

NALP 2017 Annual Education Conference (San Francisco, CA)  
**Building Law Student Resilience: Practical Tools for Programming and Counselling**  
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Jordana Laporte, Director, Career Development Office, University of Toronto, Faculty of Law  
Sarah Rohne, Employer Relations Director and Career Center Associate Director, University of Minnesota Law School

## COUNSELLING TECHNIQUES

### Growth Mindset Approach: “Not Yet”

- Stress “yet” mentality with students rather than letting them be resigned to failure
- Reward or encourage students based on their effort rather than success indicators
- Normalize their situation but keep returning to progress made thus far

#### **Scenario Examples:**

**Student:** “I haven’t been able to find a summer job and it’s already the spring. I should just give up and go back to working at my parent’s restaurant.”

**Counsellor:** “Yes, it’s true you haven’t found a position yet. You shouldn’t perceive this as a failure, there are 50% students still in search of summer positions and many find them late in the springtime. You just haven’t found the right fit yet, but keep networking with employers and something will come through. You have done a lot of great work reaching out to employers and applying to positions thus far. I know you have put a lot of effort into this and have kept up with your coursework, that’s an impressive achievement.”

**Student:** “I wanted to practice as a lawyer when I graduate, but I am terrible at public speaking and really shy to speak aloud in class. I hate oral advocacy, I’ll never be able to litigate or work on interesting cases as I get too nervous when I have to make a presentation. No one will ever put me in front of a client. I guess practicing law just isn’t for me.”

**Counsellor:** “I am hearing that you are not skilled in oral advocacy or public speaking and really don’t like speaking in front of your classmates or colleagues. There is no reason to think you are going to be plagued with this your whole life. You can learn to give great presentations, you can learn to be an exceptional oral advocate. Have you looked into participating in a moot this year? Have you heard of the toastmasters club? There is a great session on *Building Presentation Skills* offered next month, you should go! Lot of students find that oral advocacy is a tough skill, it needs to be developed. The more you work at it, the more comfortable you will be. You have lots of time to build these skills, no one will expect you to start as a junior associate already developed as a polished litigator.”

### Building Grit Approach: Emphasize the positive aspects of failure

- Students need to know how to fail and use the “failure” as a means to improve
- Stress the importance of failure - innovation requires failure
- Help students to frame “failure” as an opportunity to demonstrate to an employer that the student has learned from the failure and improved as a result
- Frame adversity as a challenge to overcome

#### **Scenario Example:**

**Student:** “I wasn’t hired by this employer in the 1L recruit, should I even bother trying again for 2L?”

**Counselor:** “Employers are looking for employees who are capable of persevering in the face of adversity. They’ll likely be impressed that you reapplied when you were turned down for a position the first time. Why not demonstrate to them that you are even more interested in their work than you were in 1L? How would you go about doing this? What could you do differently this time to improve?”

**Student:** “Sure, but now I have a poor grade in Contract Law on my transcript. There’s no way they’ll want me as a summer associate now.”

**Counselor:** “Employers aren’t looking for candidates who are perfect in everything – humans are not flawless. Could you treat this bad mark as a learning opportunity? What did you learn about this “failure” that you could relay to an employer?”

### Refocus Locus of Control Approach

- Help student to shift his/her locus of control from external to internal
- Lead student to understand what is within his/her locus
- Focus on finding solutions for situations that are within the student’s control
- Drive attention away from situations not within student’s control

#### **Scenario Example:**

**Student:** “I didn’t get selected for the family law pro bono project. I am volunteering at the legal clinic, but I didn’t get my first choice to work in the family law division. I guess I won’t be able to apply to family law firms for a 2L summer job.”

**Counselor:** “I am sorry to hear that, I know those are things that you wanted. There are many things still within your control. What are the things you are unable to change?”

**Student:** “The pro bono projects have all been distributed, I can’t get into one in family law now. And the clinic has started, I have shifts in the tenant and housing division and can’t switch.”

**Counsellor:** “Alright, I understand that those aren’t things within your control at this point. Let’s brainstorm what is within your control and find solutions together to get you family law exposure this year. Can you set up your own pro bono family law work outside the formal program by contacting an organization or sole practitioner? Is it possible to approach the clinic supervisor about taking on some additional work in the family law division to supplement your work in the tenant and housing division? Can you shadow a family law practitioner this term? Are you in any clubs that focus on family law? Have you tried to take some relevant family law courses? If not, has the add/drop period ended yet such that you could change your course selection? What other steps could you take to get family law exposure this year?”

### Eliminate Catastrophe Approach

- Focus on specificity rather than generalities
- Help student to de-catastrophize a situation
- Focus on the factual evidence that is available, not on student’s beliefs or opinions
- Avoid the use of absolutes, e.g. “I am never going to get a job” versus “I didn’t get this particular job”
- Focus on the description of an event rather than on a student’s evaluation of the event

### **Scenario Examples:**

**Student:** “I just got my grades back and I got a C in public international law. My whole reason for coming to law school was to work in international law when I graduate. Now, it’s impossible. I’ll never overcome this mark. I’ll have to find a new career path. What else is out there for me?”

**Counsellor:** “You have been a good student so far, one poor grade on an otherwise excellent transcript does not mean that you have to adjust your entire career plan. This is only one course in public international law, but the school offers several courses on specific topics in public international law, why not take some of these? There are certainly ways you can demonstrate your strong interest in public international law to an employer, you need not rely upon one grade. Reach out to some alumni working in the area in which you are interested. Have you registered for the public international law moot? Have you written any papers in the subject, which you could try to publish into a journal or newspaper article? What extra-curricular activities are available in public international law for you to join?”

**Student:** “My interview with Law Firm X was disastrous. Everyone there thought I was unqualified. I am always terrible at interviewing.”

**Counsellor:** “What makes you say the interview was a disaster? I doubt that every person in the firm thought you were unqualified. After all, they did take the time to bring you in for an

interview and it seems like you met a lot of members of the firm. They invested a lot of time into your interview, which, to me, says you were a competitive candidate. Let's look at the facts here - you had some great interviews with other employers back in the fall and got some excellent feedback. So clearly, you are doing something right and not 'terrible' at interviewing. We can certainly practice your interviewing skills so you are more confident in your abilities."

### Identify Lack of Permanence Approach

- Focus on difference between permanence and impermanence
- Help student to identify situations that are permanent versus those that are impermanent and can change
- Note the concept that pain is inevitable, but suffering is optional - we feel pain when we fail to achieve something or do not get what we want, but we can accept the pain, experience the emotion, and opt not to suffer
- Turn the student's attention to strategies for moving past the situation

#### **Scenario Example:**

**Student:** "I just found out I didn't get offered an interview with my top choice firm after OCIs. I have wanted to work there since I learned about the firm during my undergraduate degree. I asked for feedback but the firm said I didn't do a good job at expressing my interest. I'm devastated; I prepared so much for that interview. I've been so upset about it. I can't sleep, I just keep thinking about how I blew my one opportunity."

**Counsellor:** "I'm sorry to hear that you didn't get called for a follow-up interview and that you are feeling so terrible about it. It's understandable that you feel devastated since you prepared so hard for the OCI and have done a lot of research on this employer. The pain you are experiencing is totally normal, but it will pass. You won't feel this way permanently. Nor is the situation you find yourself in permanent. There are other opportunities to work with this particular employer and plenty of other employers out there who might fit your criteria. What have you done in the past when faced with a very difficult challenge? Do you have friends or family that you can turn to for support?"