Learning the Law: Self-Directed Learning and Successful Trial Lawyers

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Abstract

Upon passing a bar examination, a lawyer may practice in any area of the law, even in areas they have never practiced. Professional rules governing lawyers provide that a lawyer may become competent in an area of law through self-study. Are lawyers highly self-directed in their learning such that they can effectively teach themselves what they need to know?

This study investigated the level of self-directedness toward the learning of successful lawyers in Missouri. Using a modified version of Williamson's (2007) Self-Rating Scale of Self-Directed Learning (SRSSDL), surveys were mailed to 140 recipients of the Missouri Bar Foundation's Lon Hocker Award for Trial Excellence along with a postage prepaid return envelope. Forty-five surveys were returned, properly completed, and were used in this study. This study used a nonexperimental, cross-sectional design. The research employed quantitative data collected through a survey. The study used inferential statistics to discover the general position of the participant's level of self-directedness toward learning.

This study found that most of the lawyers studied (64.4%) were highly self-directed in their learning, while a minority of them (35.6%) were moderately self-directed. This study supports the proposition that lawyers may adequately teach themselves new areas of the law.

Keywords: Lawyer, law, attorney, self-directed learning

1. Introduction

Each year thousands of graduating law students across the country take and pass their respective state's bar exam. In 2022, there were over 35,000 law school graduates and of those, approximately 26,000 passed a state bar exam (ABA, 2023). Upon passing, many of these newly minted lawyers will go on to work for law firms. Many, however, will start their own law firms without working as a lawyer in a law office. To help these new lawyers, continuing legal education programs and professional development materials abound with advice on how to start a law firm. After passing a state's bar exam, the new lawyer may essentially practice in any area of law desired. Are we to believe that the new lawyer, upon passing the bar, is now an expert in contracts, employment, corporate, personal injury, domestic, and criminal law? Of course not. Given that many of these new lawyers will become general practitioners and take on a variety of cases in their practice, how is it that they are competent to practice law in areas for which they have little or no experience?

It is generally understood that a lawyer must provide competent representation on behalf of clients. Recognizing that lawyers may provide representation in areas for which they have little exposure or experience, the rules of professional conduct governing lawyers provide that a lawyer may become competent through study. See for example, MO Sup. Ct. R. 4.1-1. It follows then that lawyers may study to become competent in many areas of law. Whatever the area of law, the same research methods are used – computer-assisted, book-assisted, hornbooks, continuing education materials, practice series, statutes, case digests, and so on.

Shostak (2019) examined the andragogical orientation of successful lawyers. Andragogy is a method or theory of teaching adults. Andragogy has been defined as "the art and science of helping adults learn" (Knowles, 1968, p. 351). Andragogy encompasses techniques for adult learning and posits certain basic assumptions about adult learners, differentiating their learning from children's learning. Andragogy has not been limited to simply improving learning in the adult education classroom context but has also been incorporated into various contexts in which adults may be conceived of as learners, including business, education, religion, and athletics (Henschke, 2004; Lubin, 2013).

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It has also been used to assess and improve employee or subordinate satisfaction in the workplace (Wang & Bryan, 2014). It has even been used to improve training for law enforcement officers (Birzer, 2003). The crux of andragogy lies in its assumptions concerning adult learners. These assumptions include: (1) that the adult learner has a clearly developed self-concept; (2) that the life experience of the adult learner will have a direct impact upon the ways in which learning takes place; (3) that the readiness of the adult learner to learn will influence how new skills and concepts are adopted and retained; (4) that the immediacy of the material's application will influence its relevance to the adult learner; (5) that the motivation of the adult learner to learn will impact learning outcomes; and (6) that the reason the adult learner wants to learn will also have an influence on learning outcomes (Merriam & Bierema, 2014).

One of the goals of adult education is the development of self-directed learning skills (Williamson, 2007). Self-directed learning is "a process in which individuals take the initiative, with or without the help of others, in diagnosing their learning needs, formulating learning goals, identifying human and material resources for learning, choosing and implementing appropriate learning strategies, and evaluating learning outcomes" (Knowles, p. 18,1975). Rather than solely thinking of lawyers as teachers of adults, they may also be viewed as self-directed learners, particularly when the legal profession itself acknowledges that a licensed attorney may become competent in a given area of law through study.

Shostak's (2019) study revealed that successful lawyers have an orientation toward andragogy in how they conduct trials. (2019). It changed the paradigm of thinking about lawyers to one in which they were seen as teachers of adults, and the jury as adult learners. Given their andragogical orientation, the authors hypothesized that lawyers will also be highly self-directed in their learning. A search of the literature did not reveal any previous studies examining the self-directedness of attorneys. Self-directed learning, however, has been studied among many other groups, such as medical students (Hill, et al., 2020), pharmacy students (Behar-Horenstein, et al., 2016), sales professionals (Boyer & Lamebert, 2008), athletic trainers (Armstrong, 2010), and even breast cancer survivors (Rager, 2013).

Several instruments have been used to measure self-directed learning. Gugliemino created the SDLR, or self-directed readiness scale which measures an individual's readiness for self-directed learning. (Behar-Horenstein, et al., 2016). Fisher and others developed a self-directed learning readiness scale as well. (Behar-Horenstein, et al., 2016). Williamson, in 2007, however, developed the Self-Rating Scale of Self-Directed Learning (SRSSDL) to study the self-directed learning of nursing students. The SRSSDL measured the subject's level of self-directed learning behaviors, instead of readiness.

In developing the SRSSDL, Williamson (2007) began by conducting an extensive literature review relative to self-directed learning. From this review and consultation with colleagues, a list of 75 items concerning self-directed learning behavior was developed. Using the Delphi technique, these 75 items were reduced to a 60 item SRSSDL. Those 60 items fall under five broad categories of self-directed learning: awareness, learning strategies, learning activities, evaluation, and interpersonal skills. Each category has 12 items. The responses for the items are rated on a five-point Likert scale. Each category has an additional blank item for the user to include any other item they felt relevant that was not listed under each category of the SRSSDL. The maximum score possible was 300 and the minimum possible score was 60. A high score in the SRSSDL indicates a high level of self-directedness in learning, while a low score reveals a lower level of self-directedness in learning (Williamson, 2007).

Williamson further developed a score sheet to interpret responses to her SRSSDL. A score of 60-140 was considered a low level of self-directed learning.A score of 141-220 was found to be a moderate level of self-directed learning. A score of 221-300 was found to be a high level of self-directed learning. The instrument was found to be valid and reliable (Williamson, 2007). Cadorin, et al., (2010), in studying the self-directedness of nurses in the Italian context, also found the SRSSDL to be a valid and reliable instrument.

2. Methodology

The purpose of this study was to assess the self-directed learning readiness of successful trial lawyers. To explore the level of self-directed readiness, the researchers examined the relationship between successful lawyers and (1) awareness, (2) learning strategies, (3) learning activities, (4) evaluation, and (5) interpersonal skills.

2.1 Research Design

This study used a nonexperimental, cross-sectional design. The research employed quantitative data collected through a survey. Forty-five lawyers were surveyed. The study used inferential statistics to discover the general position of the participant's level of self-directedness towards learning.

2.2 Hypothesis and Research Question

The study was guided by one hypothesis and two research question as follows:

Hypothesis: Successful trial lawyers exhibit a high degree of overall self-directedness toward learning as well as a high degree of self-directedness toward learning in each of the factors: (1) awareness; (2) learning strategies; (3) learning activities; (4) evaluation; and (5) interpersonal skills.

2.3 Research Questions

1 - What is the relationship, if any, between successful trial lawyers and the level of self-directedness toward learning?

2 – Which factors of self-directedness toward learning (awareness, learning strategies, learning activities, evaluation, and interpersonal skills) do successful trial lawyers exhibit most prominently, and which of those factors best predict overallself-directedness toward learning?

The research questions examine successful trial lawyers' level of self-directedness toward learning. The level of self-directedness toward learning was measured by five factors, and each factor had a minimum of 12 and maximum score of 60. The researchers used these scores to measure the level of self-directedness toward learning of successful trial lawyers. The five factors used to measure the level of self-directedness toward learning include:

Level of self-directedness toward learning. The level of self-directedness towards learning is an ordinal variable to measure the level of self-directedness toward learning readiness in one's learning process (Williamson, 2007). To that end, the level of self-directedness toward learning was broken down into the following five factors.

Awareness: The learner's understanding of contributing factors required to become a self-directed learner (Williamson, 2007).

Learning strategies: The strategies that learners must adopt so that they may become self-directed in their learning (Williamson, 2007).

Learning activities: Activities that self-directed learners engage in to become self-directed in their learning (Williamson, 2007).

Evaluation: The learner's characteristics that help them evaluate their learning activities (Williamson, 2007).

Interpersonal skills: The learner's interpersonal skills that are required to become self-directed towards learning (Williamson, 2007).

2.4 Measurement/instrument

Permission was received from Dr. Williamson, via email, to modify her SRSSDL instrument for use with trial lawyers. (SRSSDL-TL). A copy of the modified instrument is attached hereto as Appendix A.

2.5 Sampling

To conduct this study, the researchers identified successful trial lawyers as those attorneys who received the Missouri Bar Foundation's Lon Hocker Award for Trial Excellence (n.d.). This award is given to a small number of Missouri attorneys under the age of 40 each year, for exemplifying the best in trial advocacy. To date, the award has been given to less than200 attorneys. The attorneys are nominated by fellow attorneys and a committee of the Missouri Bar Foundation selects the winners. The researchers were able to locate addresses for 140 recipients of the award. Using a single stage, convenience sample, the researchers mailed the SRSSDL-TL to those 140 recipients, along with a consent form and a stamped return envelope.

Variables

Given that this study only examined successful lawyers at a particular moment in time, there is room to debate the dependent and independent variables. For this study, however, the researchers proceeded under the assumption that the dependent variable is the successfulness of the attorney, and the independent variable is considered the level of self-directedness toward learning. For this study, the researchers contend that the attorneys are successful, at least in part, due to their high level of self-directedness toward learning.

Data collection

Of the 140 Lon Hocker winners that could be found, each was senta notification letter to alert them that they would soon be receiving the survey, and then shortly thereafter, they were mailed the survey along with an informed consent letter and postage prepaid return mailing envelope.

All information obtained was anonymous. Prior to conducting the study, approval from the institutional review board was applied for and received. Fifty-five surveys were returned. Ten of those fifty-five, however, were incomplete and accordingly, forty-five surveys were used in this study.

3. Results

Descriptive information such as age, gender, etc. of the participants was not collected for this study. The average overall SRSSDL-TL score was 228.27±22.95 and most of the respondents scored in the high range for SRSSDL-TL (64.4%). No respondents scored in the low range for SRSSDL-TL. The highest possible score was 300 and the lowest possible score was 60. Of the completed surveys returned, the highest score was 297 and the lowest was 168. Table 1 depicts the final SRSSDL- TL scores of the respondents and resulting level of self-directedness in learning.

Table 1
Summary of Scores for Self-Rating Scale of Self-Directed Learning -TL

Final SRSSDL-TL Score	Mean±SD	Range	Level of self-directedness	Frequency	Percentage (%)
	228.27±22.95	168-297	Moderate (141-220) 16	35.6	
			High (221-300)	29	64.4

Five individual factors comprised the overall score. Each factor consisted of 12 questions. The minimum possible score was 12 and the maximum possible score was 60. For each of the factors, the minimum score returned was 25 while the maximum score returned was 60.

The researchers rejected the null hypothesis and concluded that successful trial lawyers exhibit a high degree of overall self-directedness toward learning as well as a high degree of self-directedness toward learning in each of the factors comprising self-directedness toward learning.

Table 2
Summary of Returned Scores for Self-Rating Scale for Self-Directed Learning by Factor
N=45

Factors	Number of Items	Mean ± SD	Median	Min	Max
Awareness	12	47.98±22.07	49	38	60
Learning strategies	12	42.53±6.13	44	28	60
Learning activities	12	45.69±5.97	45	25	58
Evaluation	12	45.51±6.53	47	29	60
Interpersonal skills	12	46.56±4.74	46	37	59

To examine the relationship between the various factors and the overall score, the researchers calculated the Pearson Product Movement Correlation coefficients and ran a series of t-Tests. The analysis for each factor showed that coefficient of correlation was significant. The researchers concluded that the factors and overall self-directedness towards learning score are related. The results are summarized in Table 3 below.

Table 3
Correlation of Factors and Overall SRSSDL-TL Score

Factor	r	t	p
Awareness	.671	5.93	<.001
Learning strategies	.819	9.36	<.001
Learning activities	.912	14.59	<.001
Evaluation	.884	12.40	<.001
Interpersonal skills	.752	7.48	<.001

N=45

4. Discussion

In this study, most participants (64.4%) had high scores of self-directedness toward learning (221-300), while 35.6% had moderate scores of self-directedness toward learning (141-220). None of the participants had a low score of self-directedness toward learning (60-140).

This is not necessarily surprising, as successful trial lawyers have a high orientation toward andragogy (Shostak, 2019). As discussed earlier, one of the goals of adult learning is the development of self-directed learning skills (Williamson, 2007). It was also not surprising that each of the five factors of self-directedness toward learning significantly predicted the overall score; they were, after all, the components of that score. It is instructive, however, to examine the relative influence of each of the factors on the overall score, indicating which factors may be most indicative of successful trial lawyers.

Of the five factors comprising the overall level of self-directedness towards learning, learning activities had the highest correlation to the overall score ($r = .912$). Upon reflection, this is not necessarily surprising either. It would follow that successful attorneys would be especially adept in the activities they use to direct their learning. While all five factors were found to relate to the overall self-directedness toward learning score, it is interesting that awareness, the understanding of the factors to become self-directed in learning, had the lowest correlation ($r = .671$). It seems as if successful lawyers intuitively understand the factors necessary to direct their learning. When considering that none of the successful lawyers studied previously (Shostak, 2019) had a formal background in education or adult learning and yet were found to have a high andragogical orientation, this result makes sense.

The authors consider it surprising that the interpersonal skills factor was not the strongest relation to the overall self-directedness toward learning score. This is so, because each of the participants was a winner of the Lon Hocker award for trial excellence. The participants have all been recognized for their outstanding trial skills. This means they were found to be the best in the State of Missouri at persuading judges and juries. Logic would suggest that this factor would have the strongest relation.

4.1 Limitations

One of the shortcomings of this study is the relatively small sample size. Generalizations about the population of trial attorneys are limited by this sample size. Future studies utilizing a larger sample size would be helpful. Likewise, this study only examined attorneys who were recipients of the Lon Hocker award for trial excellence. Future studies examining a much larger and diverse group of attorneys would be beneficial.

4.2 Implications for Practice

Despite the shortcomings, this study gives credence to the proposition that a lawyer may become competent in an area of law in which they were previously deficient through self-study. Or, at the very least, attorneys endeavoring to become competent in an area of law for which they are not already competent, likely have the self-directedness toward learning to do so.

5. Conclusion

This study showed that the overall level of self-directedness towards learning of successful attorneys was moderate to high. In addition, the factors comprising the overall level of self-directedness towards learning are highly related to the overall score.

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Appendix A

Self Rating Scale for Attorney Self-Directed Learning (SRSSDL-TL) Tool

The aim of this tool is to identify the learner's levels of self-directness in learning in the law. Please read and circle the most appropriate response to each statement indicating the level at which you rate yourself. Please note that your first reaction to the statement is the most accurate response; therefore do not spend too long a time on each item.

The 'any other' space is provided for you to add any other issues about self-directedness in learning you think relevant.

Response Key: 5 = Always   4 = Often   3 = Sometimes   2 = Seldom   1 = Never

1	Awareness	Score				
1.1	Identify my own learning needs	5	4	3	2	1
1.2	I am able to select the best method for my own learning	5	4	3	2	1
1.3	I consider colleagues and peers as facilitators of learning rather than providing information only	5	4	3	2	1
1.4	I keep up to date on different learning resources available	5	4	3	2	1
1.5	I am responsible for my own learning	5	4	3	2	1
1.6	I am responsible for identifying my areas of deficit	5	4	3	2	1
1.7	I am able to maintain self-motivation	5	4	3	2	1
1.8	I am able to plan and set my learning goals	5	4	3	2	1
1.9	I have a break during long periods of work	5	4	3	2	1
1.10	I need to keep my learning routine separate from my other commitments	5	4	3	2	1

1.11	I relate my experience with new information	5	4	3	2	1
1.12	I feel that I am learning despite not being instructed by a lecturer	5	4	3	2	1
1.13	Any other:……………	5	4	3	2	1
2	**Learning Strategies**			Score		
2.1	I participate in group discussions	5	4	3	2	1
2.2	I find peer coaching effective	5	4	3	2	1
2.3	I find 'role play' is a useful method for complex learning	5	4	3	2	1
2.4	I find inter-active teaching-learning sessions more effective than just listening to lectures	5	4	3	2	1
2.5	I find simulation in teaching-learning useful	5	4	3	2	1
2.6	I find learning from case studies useful	5	4	3	2	1
2.7	My inner drive directs me towards further development and improvement in my learning	5	4	3	2	1
2.8	I regard problems as challenges	5	4	3	2	1
2.9	I arrange my self-learning routine in such a way that it helps develop a permanent learning culture in my life	5	4	3	2	1
2.10	I find concept mapping is an effective method of learning	5	4	3	2	1
2.11	I find modern educational interactive technology enhances my learning process	5	4	3	2	1
2.12	I am able to decide my own learning strategy	5	4	3	2	1
2.13	Any other:……………	5	4	3	2	1
3	**Learning Activities**			Score		
3.1	I rehearse and revise presentations	5	4	3	2	1
3.2	I identify the important points when reading a case or an article	5	4	3	2	1
3.3	I use concept mapping/outlining as a useful method of comprehending a wide range of information	5	4	3	2	1
3.4	I am able to use information technology effectively	5	4	3	2	1
3.5	My concentration intensifies and I become more attentive when I read a complex study content	5	4	3	2	1
3.6	I keep annotated notes or a summary of all my ideas, reflections and new learning	5	4	3	2	1
3.7	I enjoy exploring information beyond the prescribed learning objectives	5	4	3	2	1
3.8	I am able to relate knowledge with practice	5	4	3	2	1

3.9	I raise relevant question(s) in teaching-learning situations	5	4	3	2	1
3.10	I am able to analyze and critically reflect on new ideas, information or any learning experiences	5	4	3	2	1
3.11	I keep an open mind to others' points of view	5	4	3	2	1
3.12	I prefer to any break in between any learning task	5	4	3	2	1
3.13	Any other:……………	5	4	3	2	1
4	**Evaluation**	**Score**				
4.1	I self-assess before I get feedback from colleagues/peers	5	4	3	2	1
4.2	I identify the areas for further development in whatever I have accomplished	5	4	3	2	1
4.3	I am able to monitor my learning progress	5	4	3	2	1
4.4	I am able to identify my areas of strength and weakness	5	4	3	2	1
4.5	I appreciate when my work can be peer reviewed	5	4	3	2	1
4.6	I find both success and failure inspire me to further learning	5	4	3	2	1
4.7	I value criticism as the basis of bringing improvement to my learning	5	4	3	2	1
4.8	I monitor whether I have accomplished my learning goals	5	4	3	2	1
4.9	I check my portfolio to review my progress	5	4	3	2	1
4.10	I review and reflect on my learning activities	5	4	3	2	1
4.11	I find new learning challenging	5	4	3	2	1
4.12	I am inspired by others' success	5	4	3	2	1
4.13	Any other:……………	5	4	3	2	1
5	**Interpersonal Skills**	**Score**				
5.1	I intend to learn more about other cultures and languages I am frequently exposed to	5	4	3	2	1
5.2	I am able to identify my role within a group	5	4	3	2	1
5.3	My interaction with others helps me to develop the insight to plan for further learning	5	4	3	2	1
5.4	I make use of any opportunities I come across	5	4	3	2	1
5.5	I need to share information with others	5	4	3	2	1
5.6	I maintain good inter-personal relationships with others	5	4	3	2	1
5.7	I find it easy to work in collaboration with others	5	4	3	2	1
5.8	I am successful in communicating verbally	5	4	3	2	1

5.9	I identify the need for inter-disciplinary links for maintaining social harmony	5	4	3	2	1
5.10	I am able to express my ideas effectively in writing	5	4	3	2	1
5.11	I am able to express my views freely	5	4	3	2	1
5.12	I find it challenging to pursue learning in a culturally diverse milieu	5	4	3	2	1
5.13	Any other:……………	5	4	3	2	1