

The Education You Don't Notice

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You sit down at 9:00 p.m. with a casebook. Over the next three hours you read four decisions, none of which you fully understand. You go back over the hardest one twice, until the words feel more familiar. Tired but finished, you close the book a little after midnight.

Asked the next morning what you did, you're likely to say you read for class. True, but that's only half the story.

You also spent three hours training your mind. You might have strengthened a habit you already had of misreading familiarity as understanding. You might have started to condition yourself to push past confusion without investigating what you could learn from it. And somewhere along the way your reasons for studying may have drifted further from what brought you to law school: by midnight you weren't reading to understand the cases; you were reading so that tomorrow would not go badly.

None of that self-formation learning was on the syllabus. All of it will outlast the class.

I want to convince you that this second kind of learning is worth your time—and for reasons you already value. I am not going to promise that it will make your life feel fuller and richer, though I predict it will. Instead, consider this: if you consistently pay attention to how learning is shaping your mind, you are likely to be a more successful law student.

Learning changes the learner

To learn something is to change the organ doing the learning. Your brain remodels itself around whatever it repeatedly does, reinforcing the pathways it uses and letting the others atrophy. Studying is never only a matter of taking material in. The act of learning changes the learner.

John Dewey named this “collateral learning” in 1938, long before anyone could measure it. Modern research in the fields of learning science and cognitive psychology have given Dewey's insight sharper clarity. Three capacities are engaged whenever you study: cognitive (your habits of thought, from how long you hold attention to what you count as having understood something); affective (how you meet difficulty and correction); and motivational (what drives you as you study). It may help to picture these as channels flowing through your brain. Learning something is the current. It flows through the channels already cut; it also leaves deposits that alter those channels for whatever comes next. Some of those deposits shape the capacities in ways that serve your learning well; others do not.

The three channels influence each other. A judgment that *I am not getting this* produces discouragement. Discouragement drains motivation, and flagging motivation causes you to stop studying too soon. Engage one and the other two are also engaged, in a feedback loop that is continuously shaping your mind.

And this mental formation will happen, even if you don't notice it. The formation isn't optional. Whether you can see it happening is. The problem is that most of us were never taught to look.

Why you have been trained not to look

Over the last two decades, you've probably internalized a message that real learning is external: it is something that happens when someone who knows (the teacher) transfers material to someone who does not (the student). The external message is reinforced because as a student the verdict on whether you've absorbed the material lives outside you too, in someone else's assessment of your competence.

That verdict carries an implicit judgment about your worth, which makes it that much harder to take. Do well and you are the kind of person who belongs here. Do badly and you'll form a less flattering opinion of yourself. Once you believe this, looking inward starts to feel dangerous. So you don't look because what you'd find there would just seem like more evidence that you don't belong here.

As hard as looking inward is, saying out loud what you're feeling and needing is even scarier. Telling a professor or classmate that you feel confused or frightened means disclosing things that aren't easy to share. In our society, no one wants to be seen as *needy*—that's a word we use for someone who isn't quite managing as well as they should. So you keep silent.

What ignoring your mental conditioning costs you

Start with the cost that shows up in your grades, because that is the one everyone, rightly, cares about.

One of the sturdiest findings in education research is that how well you learn depends heavily on how aware you are of your own learning. This is called metacognition—thinking about thinking, as it's commonly, but incompletely, described. Studying well depends on assessing your own cognition, and then deciding what to do next: push on, try a different approach, ask for help, or stop for the night. But as surprising as this may sound, you can't directly examine your memory and see how well you've understood anything you studied on a given night. For the most part, what you have instead are sensations. Does this feel easy or effortful, or confusing? Feelings like these are the raw material from which you assess your own learning. Reading them is a skill.

You do have other ways of checking, of course. You can work practice problems and see how you do. But that kind of feedback arrives occasionally, while the judgments that steer your studying are made continuously. You don't take a practice exam every time you are trying to decide whether to re-read the case or move on. And receiving individualized feedback that's constructive and useful depends on both your and your professor's capacities.

In short, more than you probably realize, your ability to monitor your own learning depends, in large part, on reading your feelings accurately. But, untrained, you're more likely to misread those signals. Here are three common ways this might happen:

- *You over-trust what feels good.* Read a case repeatedly and it may feel easier. But the ease may just be a signal of familiarity, not whether you are ready for the exam. Believing you know it, you stop and then use the same method next week. This is how re-reading, which the research ranks among the least effective study strategies, survives as everyone's favorite.

- *You misread what feels bad.* Almost no one tells students that many study methods that build durable knowledge feel worse to use. Testing yourself exposes more errors than reviewing does, which can be discouraging. Spacing your work across the week requires planning and feels more effortful than doing it all in a single session. So too with mixing different but related topics, skills or problem types. That's called *interleaving* and it's an especially good study method for law students who regularly take issue-spotting exams. It will also feel harder in the moment than studying one topic in a single block. That's true of all the methods I mention: they all feel worse while you are using them, and all three build lasting knowledge, leaving you better prepared for the final exam.

- *You confuse two bad feelings that call for opposite responses.* Confusion is local: it signals a specific gap; staying with it is a road to understanding. Anxiety is global: it signals threat that needs to be regulated. Felt as one undifferentiated bad feeling, your confusion goes unexamined while your anxiety just compounds.

When you misread these signals, you don't stop monitoring yourself. Nobody can. You just fall back on the crudest monitoring defaults: easy means known, hard means bad. That's the textbook profile of a poorly calibrated learner—and poorly calibrated learners perform worse on assignments and exams.

The other cost

Not being able to read your signals accurately also takes a toll on your well-being. That's probably something you already realize as distress and law school seem to go hand in hand. In a recent national survey, 69% of law students said they had needed help with an emotional or mental health difficulty in the previous year, up from 42% just seven years earlier—and nearly half didn't seek any. Among practicing lawyers, the leading barrier to getting help isn't cost or availability. It's not wanting anyone to find out.

Look around your section. Most of your classmates have concluded, perhaps like you, that they are the only one really struggling. Social psychologists call this pluralistic ignorance: everyone hides the same thing, and everyone takes everyone else's calm at face value.

Well-being and academic performance are not rival goods. They rise and fall together. The good news is that the same attention that helps you feel better outside of school also helps you perform better in school.

Something you can do on your own

If the problem is that you can't read your own signals, the answer is self-evident: get better at reading them.

In a longer article, I propose a particular practice for helping students do that. It draws on Nonviolent Communication, a framework built by the psychologist Marshall Rosenberg. I'm borrowing only its general form, not offering formal instruction. It rests on an idea that is well settled in psychology: underneath what any of us does lies an effort to meet some need. A need is not a preference. Needs are universally essential for human well-being and flourishing: you are worse off when your needs are not met.

Rosenberg built NVC as a practice between people, a way of helping them hear one another and connect better. As it turns out, that's a good entry point for what I'm proposing. Hearing what somebody else is longing for underneath what they are saying is generally less difficult than practicing self-empathy, since the judgments you carry about yourself are older and better rehearsed. After trying it with others, it can be easier to turn the practice around and use its structured path on yourself.

The practice I will describe can help you read your own signals more accurately. It is similar to some mindfulness practices that train you to hold open attention, but for many students this practice may be easier to start with because it comes with a sequence of visible steps you can repeat and get better at. Here are the steps:

Start by making an observation, which means describing what happened, stripped of any verdict about it. Say you complete a memo and the grade you get back isn't what you were hoping for. *My memo grade was C+* is a fact. *Everyone here is sharper than I am* is a verdict you have bolted onto the fact, which now seems inseparable from it. Prying them apart is hard, especially for law students who are trained to relentlessly evaluate everything.

Then name what you are feeling, with more accuracy than just saying something felt good or bad. *Humiliated* is not the same as *discouraged*, and neither is the same as *frightened*. They point in different directions and they ask for different things. If you don't practice, identifying your feelings accurately may be hard, especially if you tend to use non-feeling words a lot. Those are thoughts or evaluations about what others are doing, rather than words that describe your internal emotional experience. *Manipulated* is a non-feeling word; *frustrated* is an internal feeling.

Then ask what the feeling is seeking. Sometimes it's clear: *confused* usually wants clarity or competence. Other feelings take more digging. *Overwhelmed* might be signaling a need for rest, or for support, or both—in which case the question is which to tend to first. Your job is to figure out what your feelings are telling you, then make a guess and see.

Every step has nuances. While investigating needs, be aware that a need is not the same as a strategy. The distinction matters because a need can't be bargained with; a strategy always can. This helps you see whether a strategy is actually meeting the need, and at what cost. Wanting to be good at something is a need; perfectionism is a strategy for meeting it, and usually a poor one, since it tends to lead to perpetual discontent. Seeing needs clearly can buy you distance to choose your next best move.

The last step is to make a request, of yourself or someone else. As with all the steps, there's a lot more to say here than I've got space to cover. The essential idea is to turn what you've learned into something concrete and doable: asking your professor for fifteen minutes to go over your memo, or committing yourself to a particular goal, like revising a paragraph, before taking a coffee break. Of course, knowing what you need is one thing; you still have to ask for it. And asking well is a skill in itself: whom to approach, when, and how. Ask these questions thoughtfully to give yourself the best chance of getting a yes. Finally, bear in mind that you're making a request, not a demand. Accepting that it can be declined is what keeps this work compassionate, toward others and yourself.

That's the practice, in brief: learning to read your own signals well enough to see which habits to keep, and what new ones are worth developing.

Two warnings. Because you are being trained by law school to evaluate everything, be careful not to turn this into a graded assignment: *I named the wrong feeling. I really suck at this*. If that happens you have taken an instrument for constructive noticing and converted it into another instrument for judging. Notice that too, extend yourself a little grace, and keep going.

Also, expect that when you first try the practice may be difficult. That's understandable. New habits take time, just as old habits did, to establish and become durable. Be patient with yourself. Moreover, I hope you realize that difficulty isn't the question. The question is whether your existing habits are serving you, in your learning and in your life. One of my article's aims has been to give you reason to doubt that they are. If you recognize that your untrained mind is probably making you a weaker student than you could be, then you've got good reason to try something new, even it takes a little while to get better at it. So find a practice partner, gather a small group, or join one of the many NVC groups meeting in cities and online. Try it for a few weeks and see for yourself if you're faring better, in school and out.

Some Unexpected Discoveries

What I've said so far is that if you commit to the practice I'm suggesting and learn to read your own signals better, you'll likely thrive more fully as a student and outside of class. Two other things are also likely to happen.

The first comes from practicing with others. You may discover that your conversations start to change: arguments become less heated, a call home is more nourishing, and you grow more interested in others, and they in you. Rosenberg described the whole aim of the practice as making life more wonderful—for yourself and everyone around you. In my experience, it does.

The second thing you may discover is that you don't have to have all your needs met to flourish. There are times when a need simply can't be met. Seeing that plainly is what lets you mourn its absence compassionately, and perhaps to recognize that you're already meeting other needs you never thought to count. These are some of the ways that a person can discover how a life can be full even when parts of it are not.

Your mind is being shaped by your education right now, even if you aren't aware of it. That part is out of your control. What is up to you is whether you will learn to see it happening. The seeing is a skill, as important as anything you will learn in law school. You will not find it on the syllabus. You can start learning anyway.