



University of Idaho

College of Law

TEACHING EXECUTIVE FUNCTIONING TO LAW STUDENTS

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SOME CONTEXT . . .

I Pro bono transactional legal services for **entrepreneurs and small businesses**

- Forming entities, drafting contracts, intellectual property, workers, etc.
- No disputes or litigation

I **Students perform all legal work**

- From intake interview to closing letter and everything in between
- Limited licenses to practice law
- Supervised by licensed attorney (i.e. me)
- Non-directive pedagogy

THE GOAL

From this:

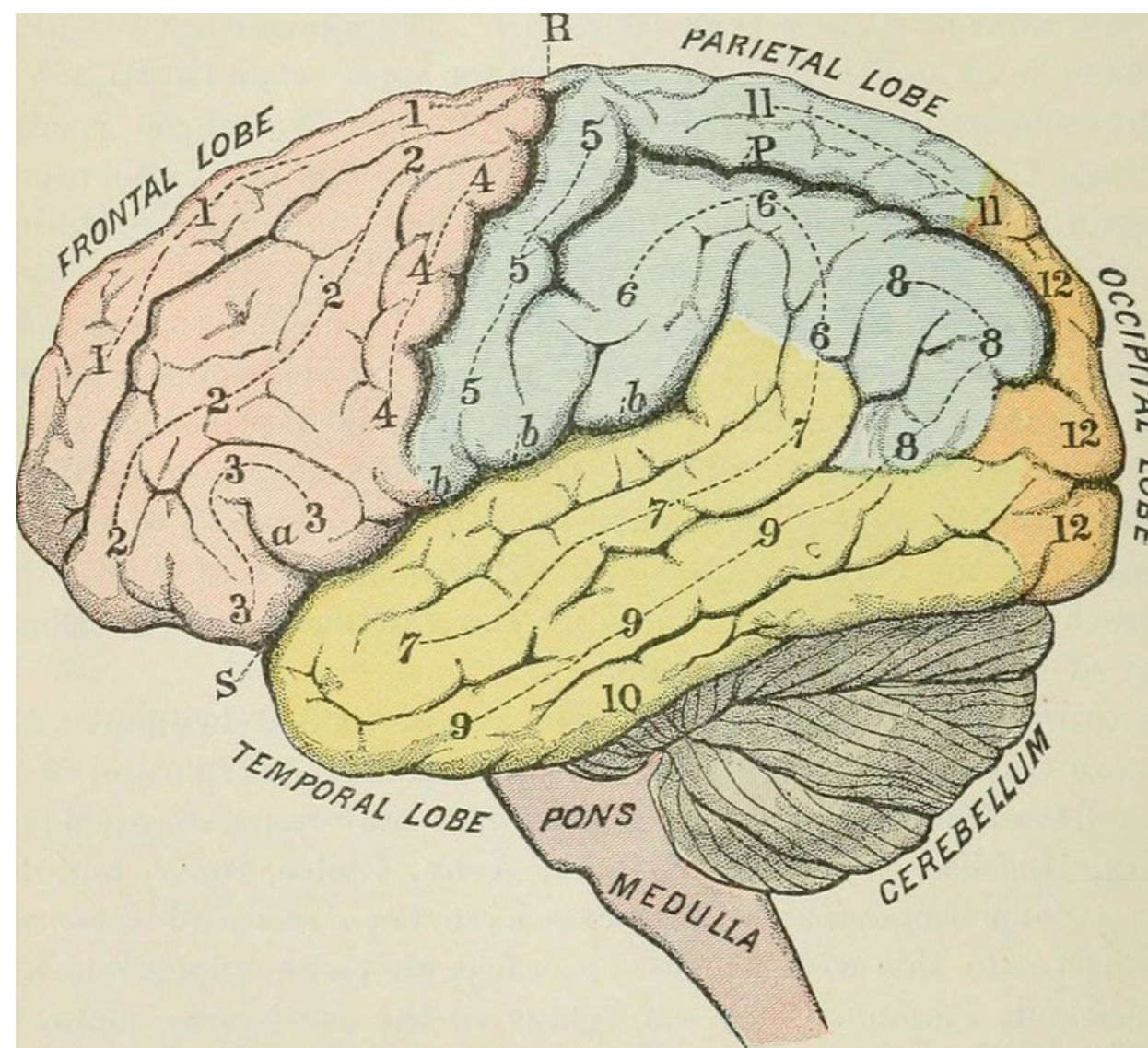


To this:



WHAT IS EXECUTIVE FUNCTIONING?

Set of cognitive skills that allow for the intentional control of attention, emotion, thought, and action



WHY TEACH EXECUTIVE FUNCTIONING?

Students biggest worry is consistently . . .

Competence

But . . .

- Most common complaints against lawyers in US are neglect and lack of communication
- Most frequently sanctioned behavior in US violates Model Rule 1.3 (diligence) and 1.4 (communications)

- Most common complaints against legal service providers in UK are poor communication, delay, and failure to advise
- Most frequently upheld complaints were poor communication and delay

BUT ISN'T OUR JOB TO TEACH LAWYERING SKILLS??

Solicitors Regulation Authority's Practice Skills Standards

Case and transaction management

Communication skills

Establishing and maintaining professional
relationships

Managing themselves and their own work

American Bar Association Standard 302

A law school shall establish learning outcomes that shall, at a minimum, include competency in . . . (d) **Other professional skills** needed for competent and ethical participation as a member of the legal profession.

The Law Society's "Essential skills for law students"

- Communication
- Problem-solving
- Time management
- Adaptability
- Resource allocation

I AM NOT A THERAPIST

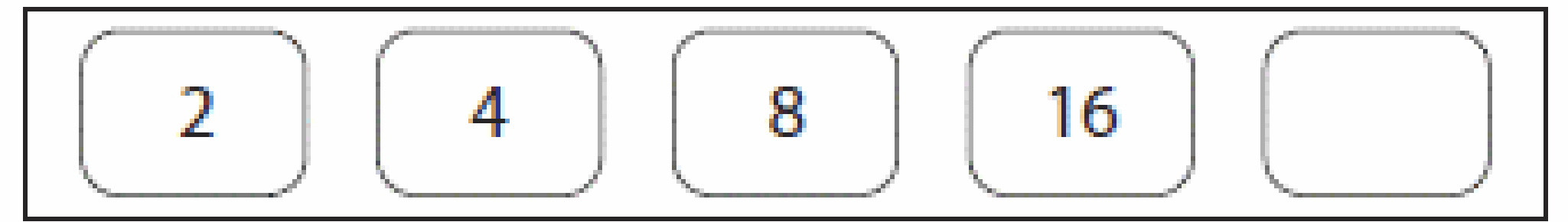
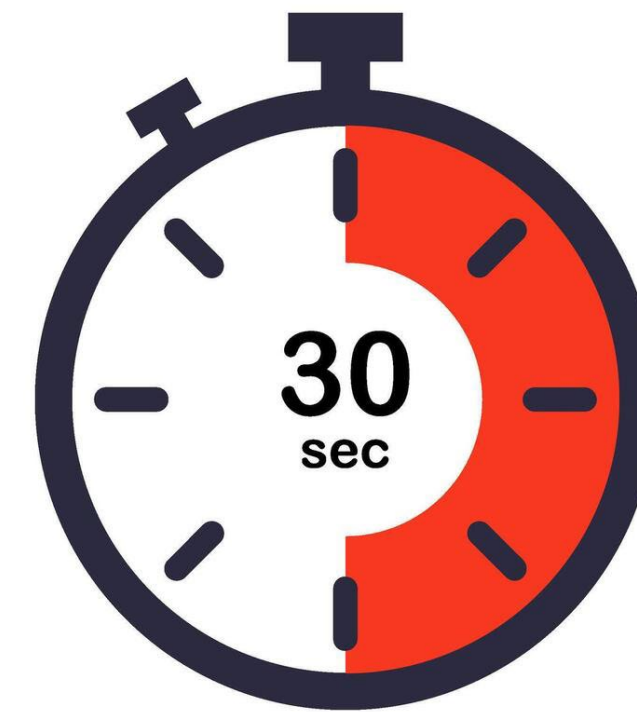
- Neurodevelopmental conditions (ADHD, autism)
- Mental Health (anxiety, depression)
- Trauma and chronic stress (law school?)
- Age (brain development over time)
- Sleep/diet (hangry)

Why Teach Executive Functioning?

- Far transfer
- EF skills are lawyering skills
- Reframe to focus on skills improvement instead of deficiency



WORKING MEMORY



Keeping information in mind
and manipulating it for
short periods of time

*Example: mental math;
reading a paragraph and
then answering a question
about it*

Whenever the literary German dives into a sentence, that is the last you are going to see of him till he emerges on the other side of his Atlantic with his verb in his mouth.

- Mark Twain (*A Connecticut Yankee in King Arthur's Court*)

INHIBITORY CONTROL

Intentionally suppressing your attention or reaction to something

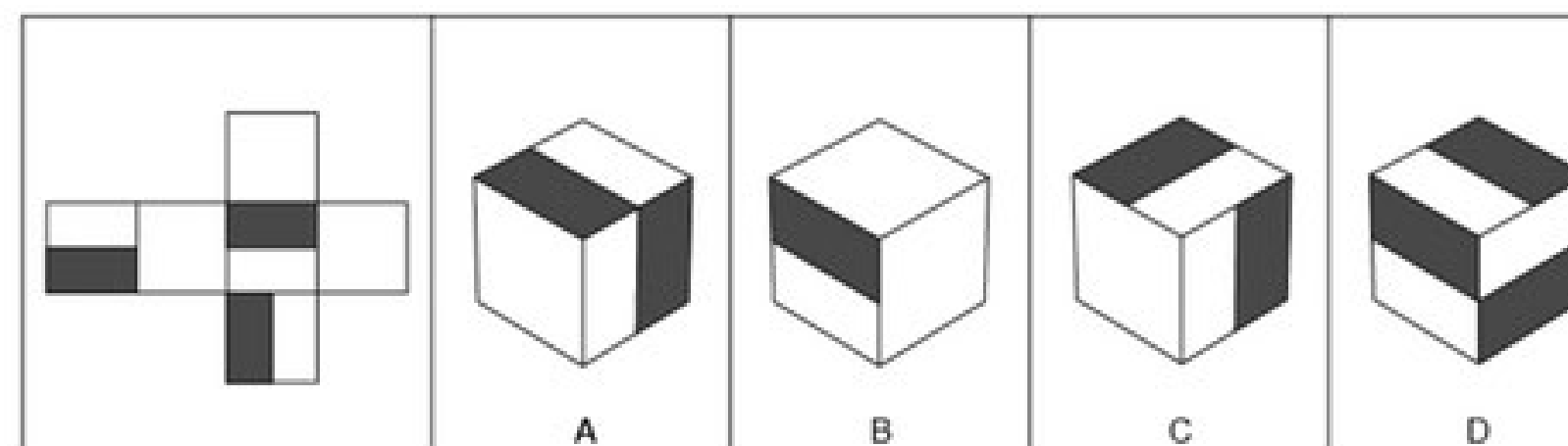
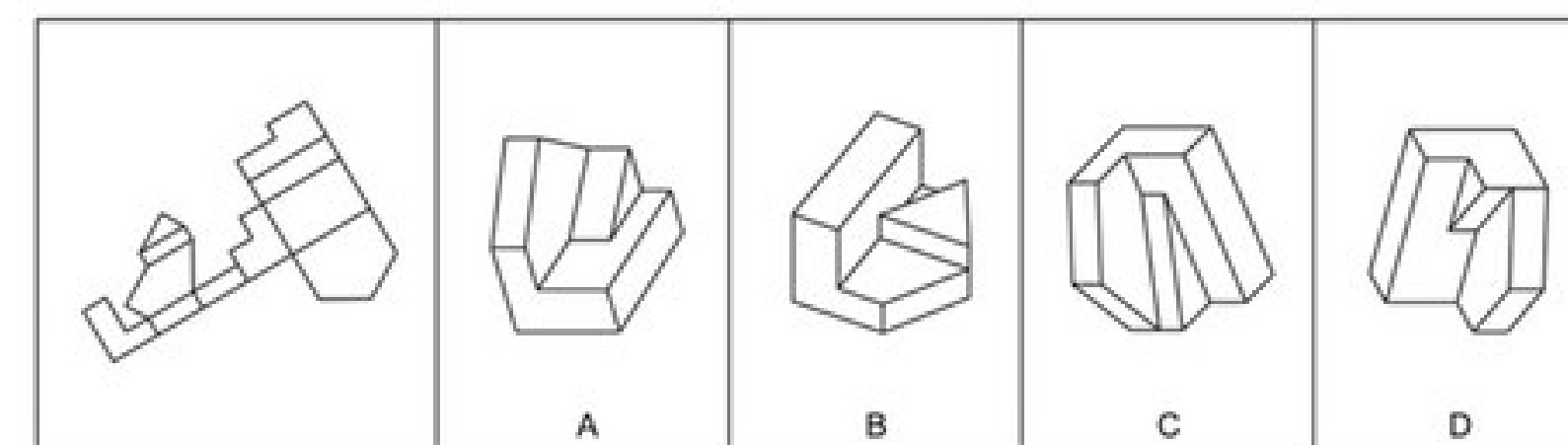
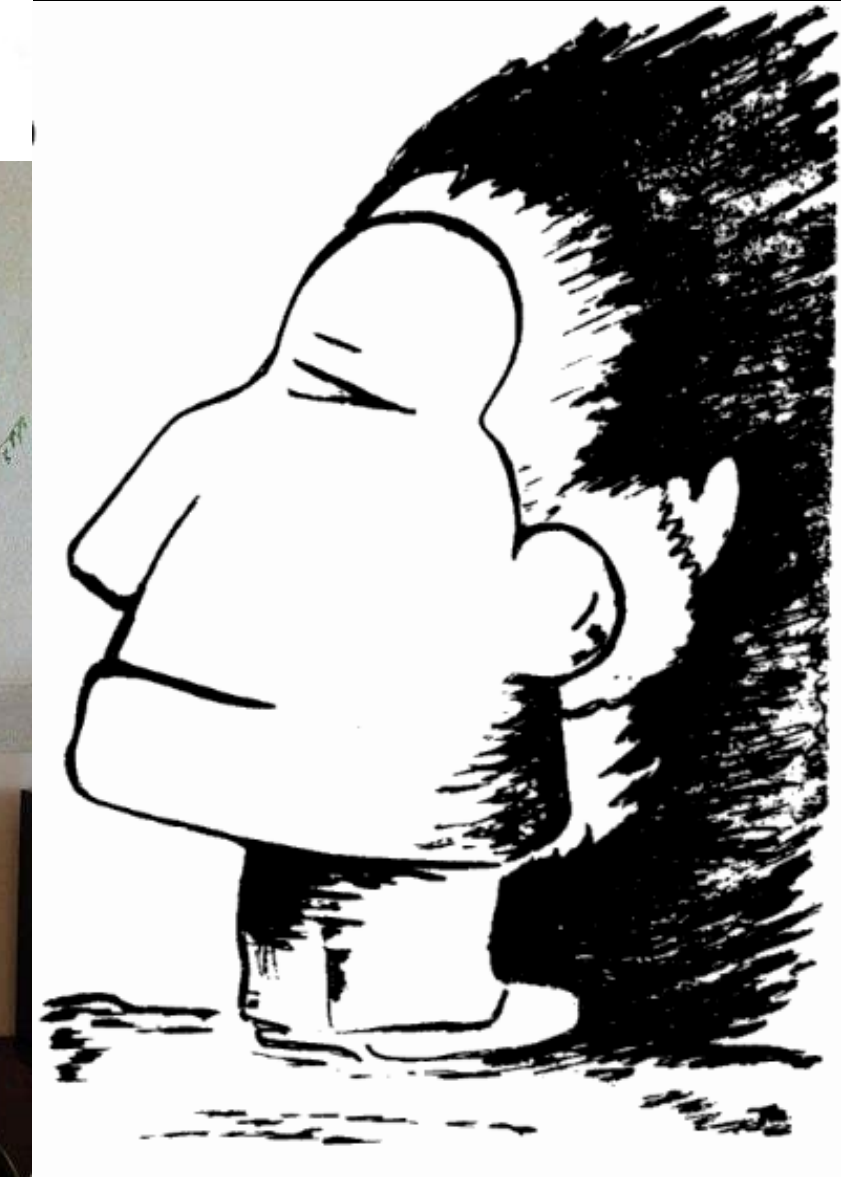
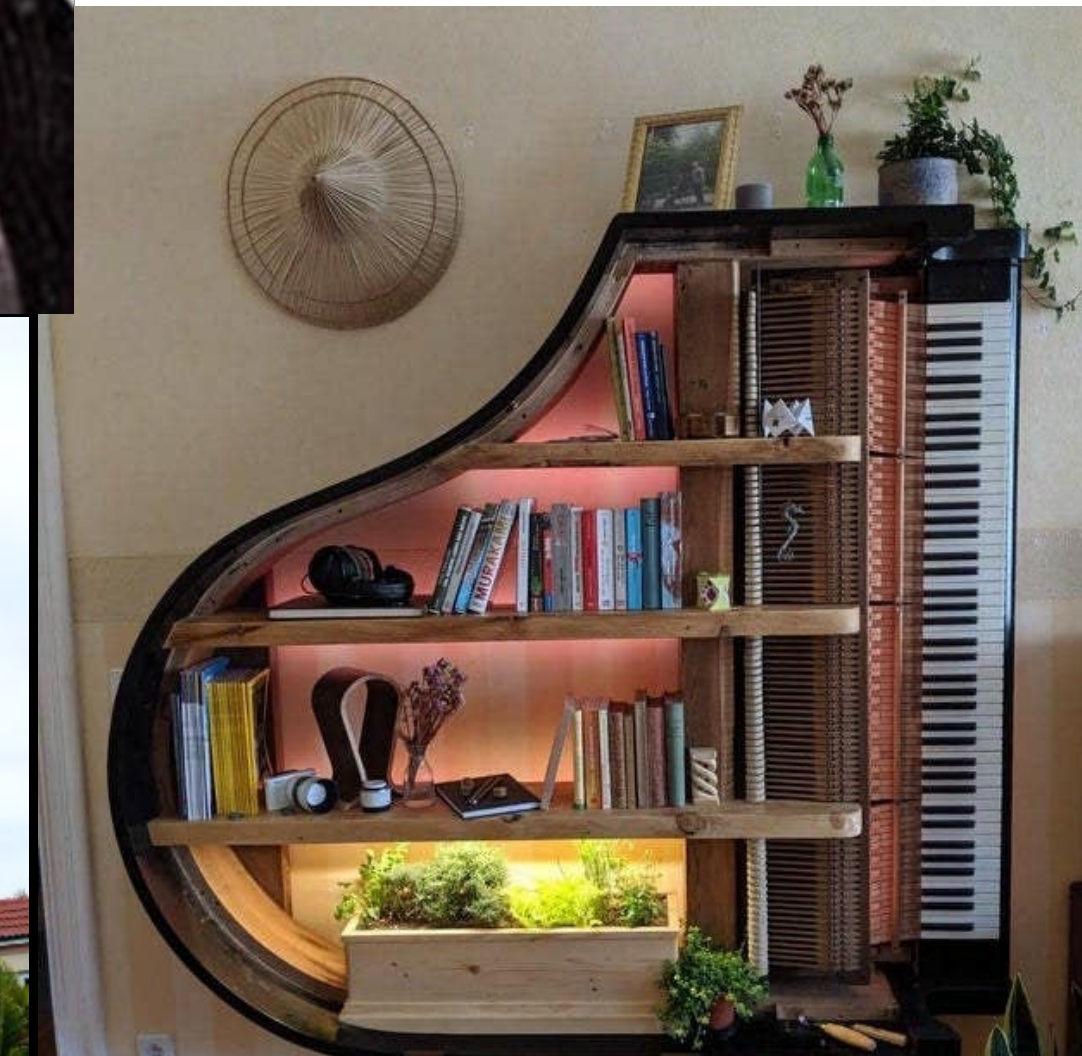
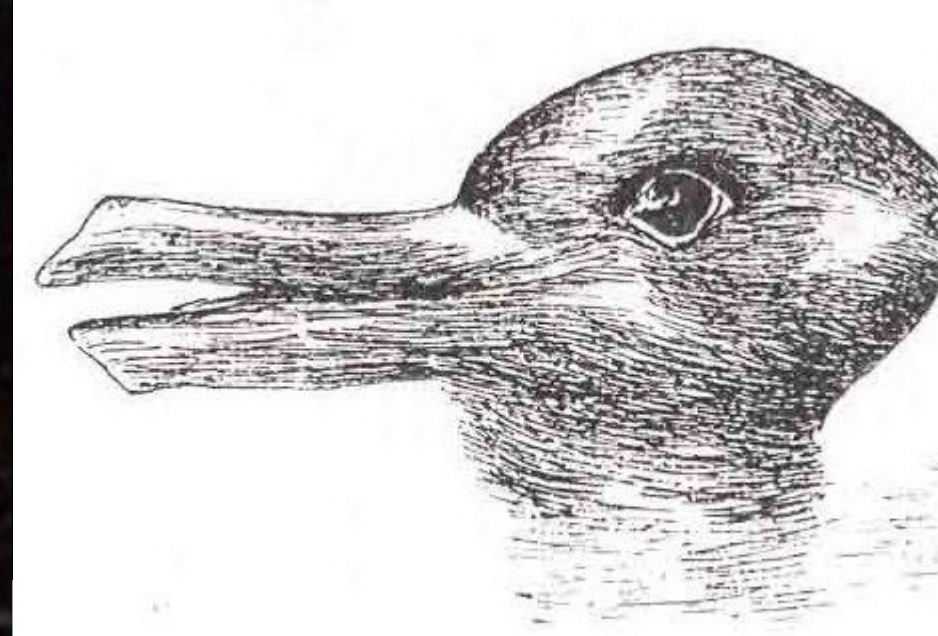
Example: ignoring a distraction; eating only one cookie

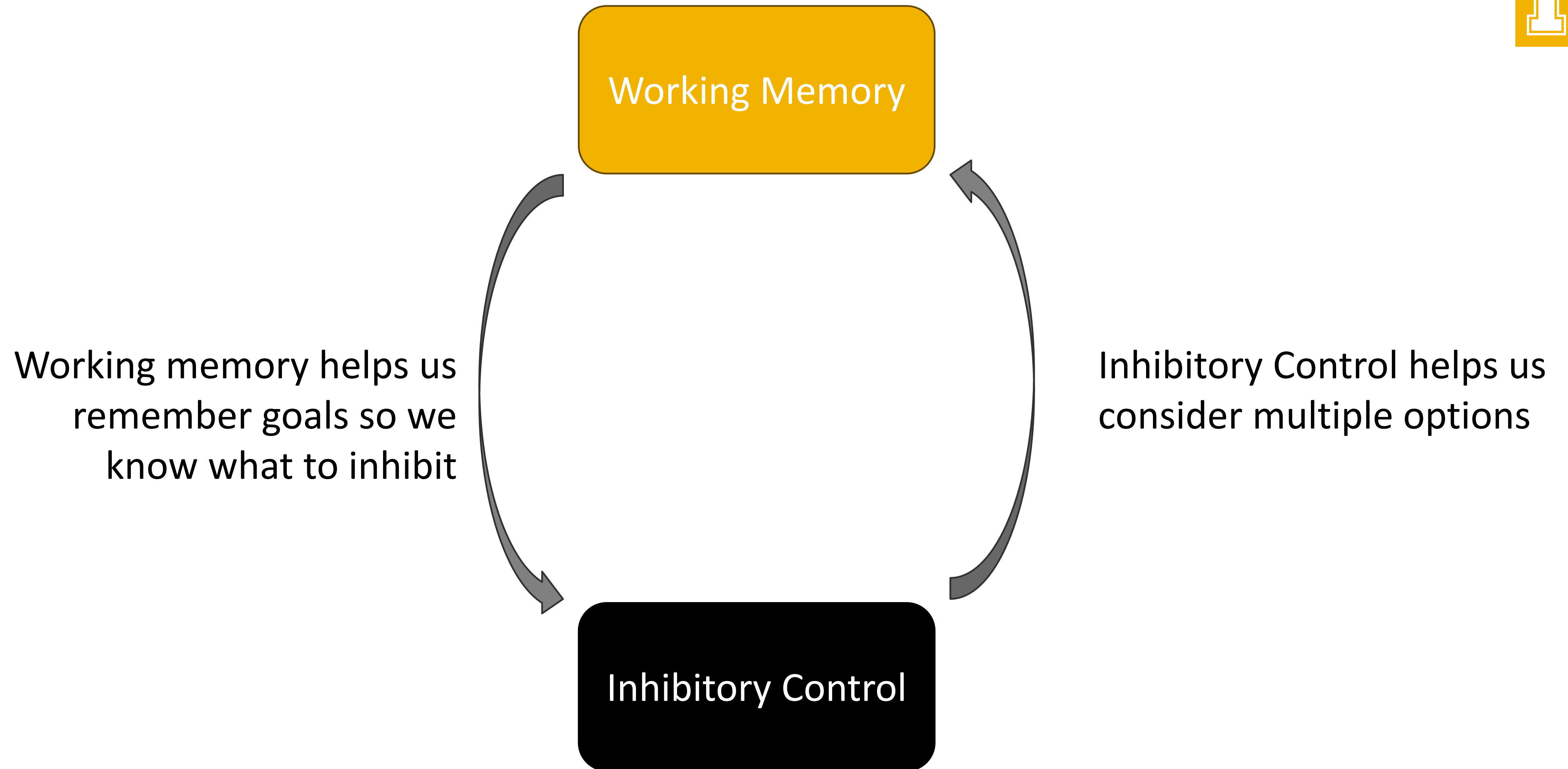


COGNITIVE FLEXIBILITY

Thinking about a single stimulus in multiple ways;
adapting to new information

Example: imagining someone else's perspective



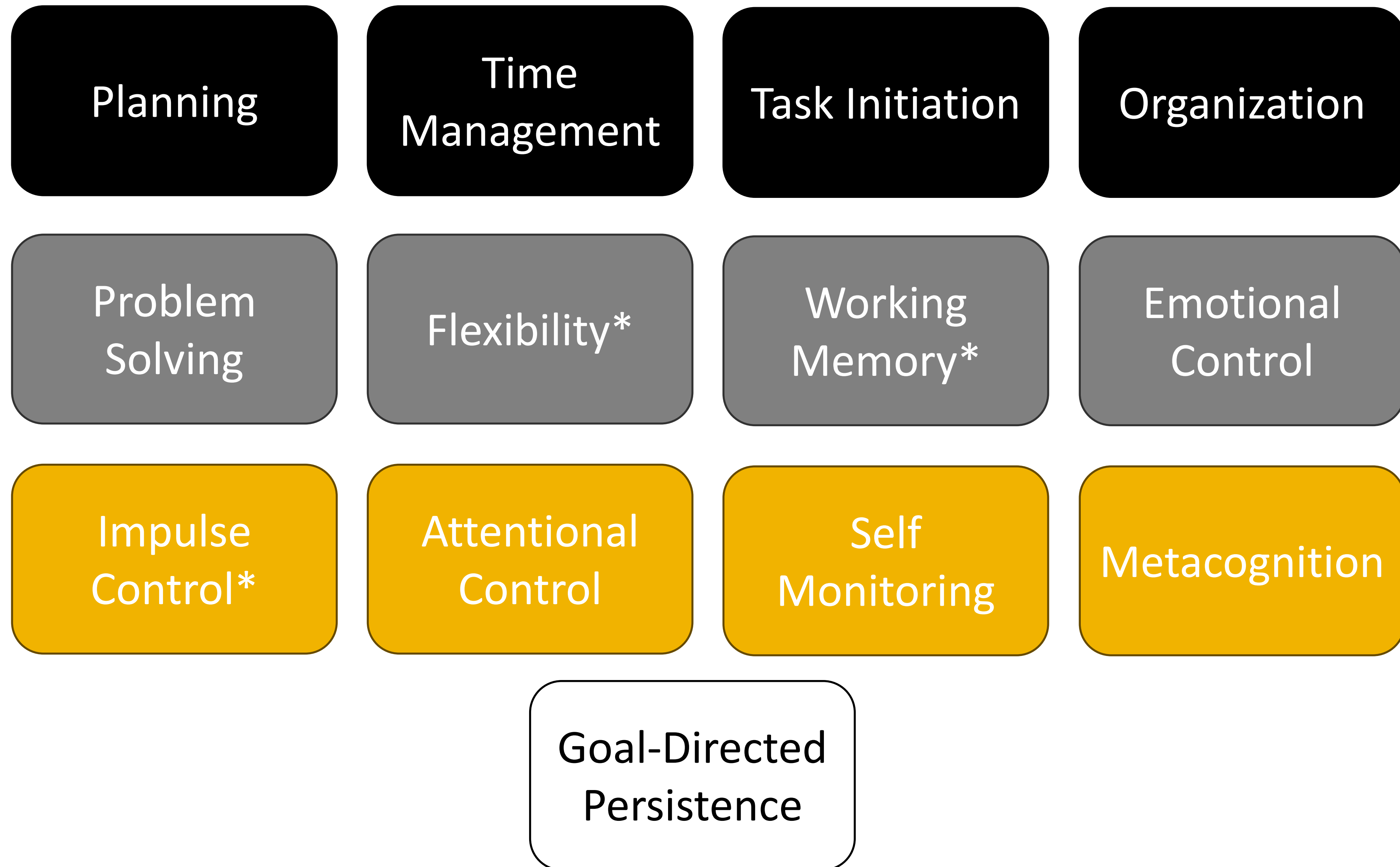


Inhibitory Control

Cognitive
Flexibility

Cognitive flexibility requires the ability to suppress
one or more thoughts
and
load additional perspectives into working memory

Working Memory



Planning

- ID steps to achieve goal
- Prioritize steps
- Simulate future event

Time Management

- How long will task take?
- Allocate enough time for each task
- Stay on task

Task Initiation

- Start from rest, or change task
- Bridge gap from intent to actual work

Organization

- Systematic mental and physical workspace
- Arranging info, materials, & ideas

Problem Solving

- Integrate complex rules and info to achieve goals

Flexibility*

- Deal with new or changing info
- Bumps in the road

Working Memory*

- Keeping track of info
- Mental math
- Not forgetting

Emotional Control

- Manage and modulate emotional response to stimulus

Impulse Control*

- Ability to suppress automatic response to environmental cues, usually with high emotion

Attentional Control

- Control focus
- Sustain attention

Self Monitoring

- Track progress and performance in real time

Metacognition

- Thinking about thinking about it

Goal-Directed Persistence

- Sustained motivation and effort over time and obstacles



TIME MANAGEMENT ASSESSMENT

Complete this assessment worksheet
to identify areas of concern and
brainstorm goals to build your time
management skills.

PRE ☐ POST ☐

- Instructions:**
- Read each statement, or have someone read this with you.
 - Place an X in the box that most closely describes you or your learner.

1. I'm on time for appointments and family events.

NEVER	RARELY	SOMETIMES	OFTEN	ALWAYS
☐	☐	☐	☐	☐

2. I can accurately estimate how long it will take me to complete a task.

NEVER	RARELY	SOMETIMES	OFTEN	ALWAYS
☐	☐	☐	☐	☐

3. I have enough time to complete tasks carefully so I don't make mistakes.

NEVER	RARELY	SOMETIMES	OFTEN	ALWAYS
☐	☐	☐	☐	☐

4. I complete tasks promptly and avoid procrastination.

NEVER	RARELY	SOMETIMES	OFTEN	ALWAYS
☐	☐	☐	☐	☐

5. I complete my daily routines and to-do lists.

NEVER	RARELY	SOMETIMES	OFTEN	ALWAYS
☐	☐	☐	☐	☐

6. I make lists or use a calendar so I know what I need to do each day

NEVER	RARELY	SOMETIMES	OFTEN	ALWAYS
☐	☐	☐	☐	☐

7. When I have a lot to do, I can prioritize what tasks to do first.

NEVER	RARELY	SOMETIMES	OFTEN	ALWAYS
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SCORING: Using the scoring guide below,
calculate the total score:

NEVER	RARELY	SOMETIMES	OFTEN	ALWAYS
0	1	2	3	4

TOTAL SCORE:

NEED SUPPORT 0-10

My time management and other executive functioning skills are likely causing challenges in all areas of my life. There are likely significant benefits if I can learn new skills.

SUPPORTED INDEPENDENCE 11-20

My time management and other executive functioning skills are likely causing challenges in at least one area of my life. There are likely some benefits to learning new skills.

INDEPENDENT 21+

My time management skills are well-developed. If I'm still having challenges, I may have other executive functioning skills to focus on.

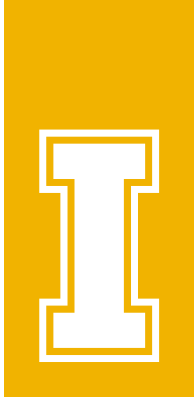
COMMENTS:

If you would like to share more details or explain your choices, please add comments in the space below or have someone write them for you.



<https://lifeskillsadvocate.com/free-executive-functioning-assessment/>

Assessment courtesy of Life Skills Advocate



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LIFESKILLSADVOCATE.COM PAGE 2

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<https://lifeskillsadvocate.com/free-executive-functioning-assessment/>

Time Management

- How long will task take?
- Allocate enough time for each task
- Stay on task

Pomodoro



work



rest



work

Time Management

- How long will task take?
- Allocate enough time for each task
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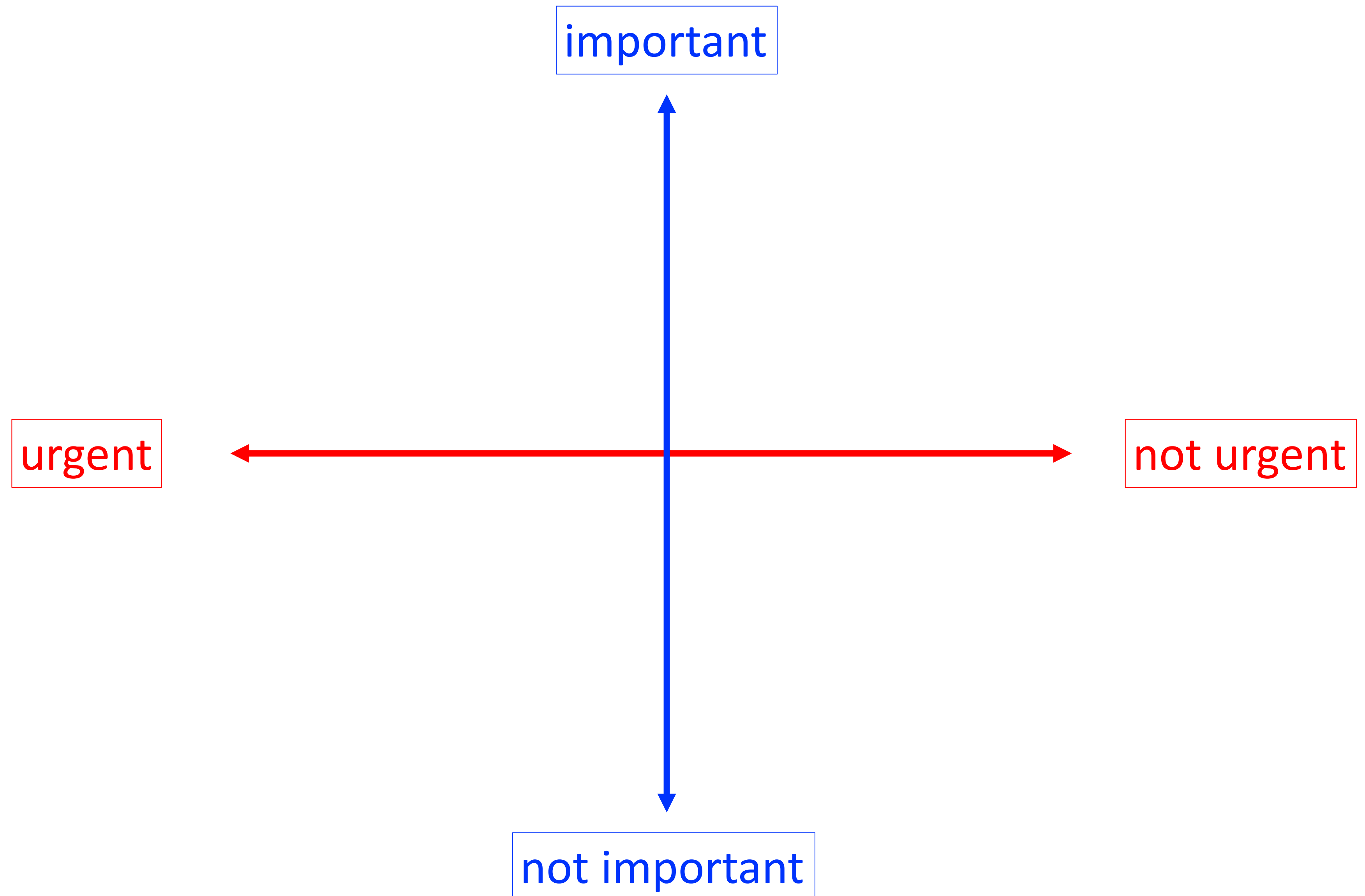
Body Doubling



Time Management

- How long will task take?
- Allocate enough time for each task
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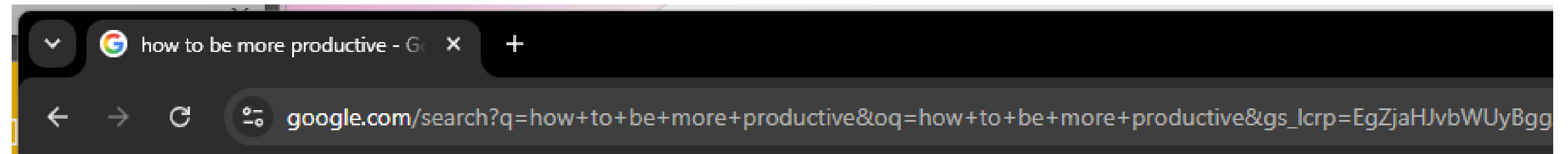
Eisenhower Matrix



Time Management

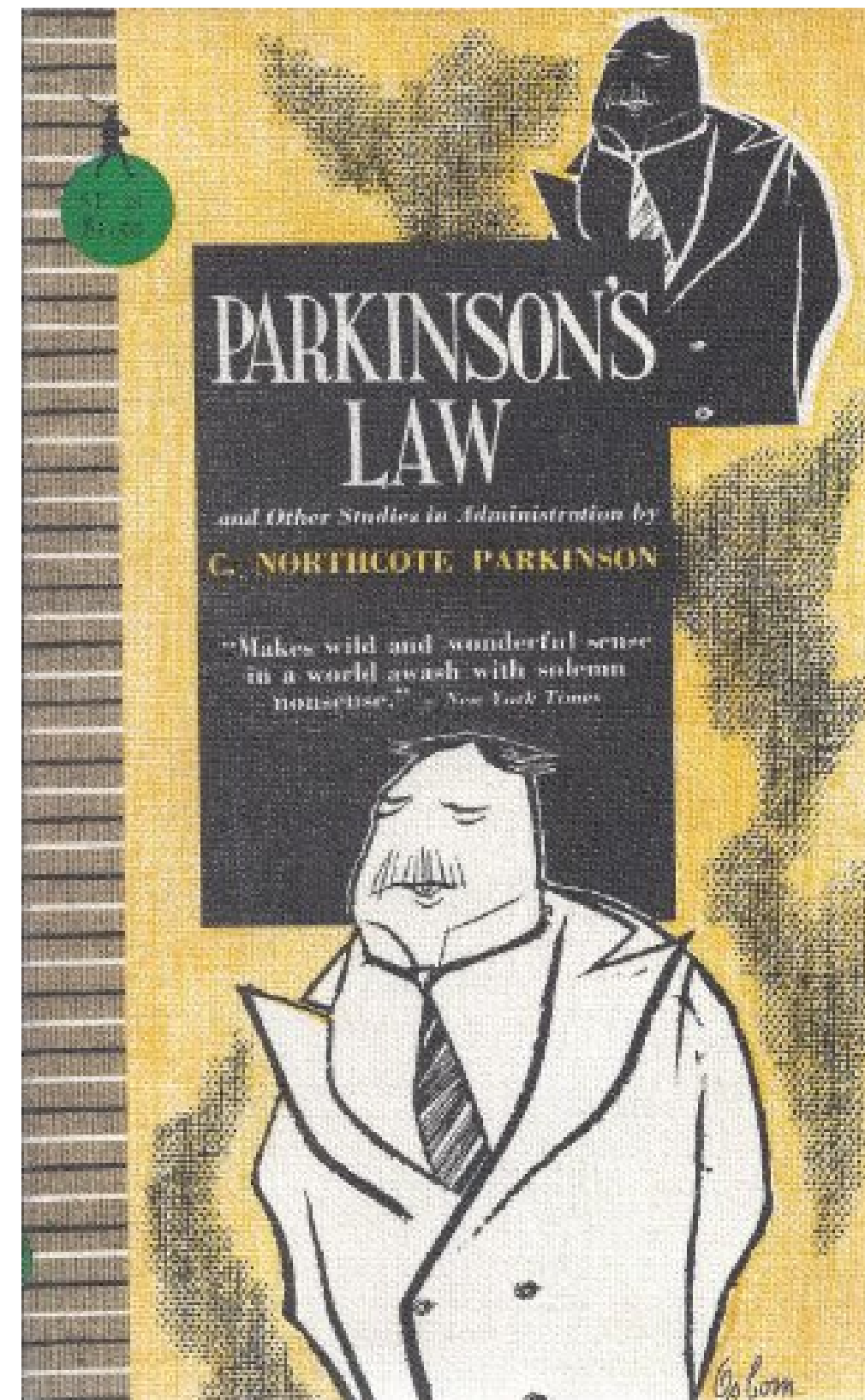
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One Tab



Time Management

- How long will task take?
- Allocate enough time for each task
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Parkinson's Law

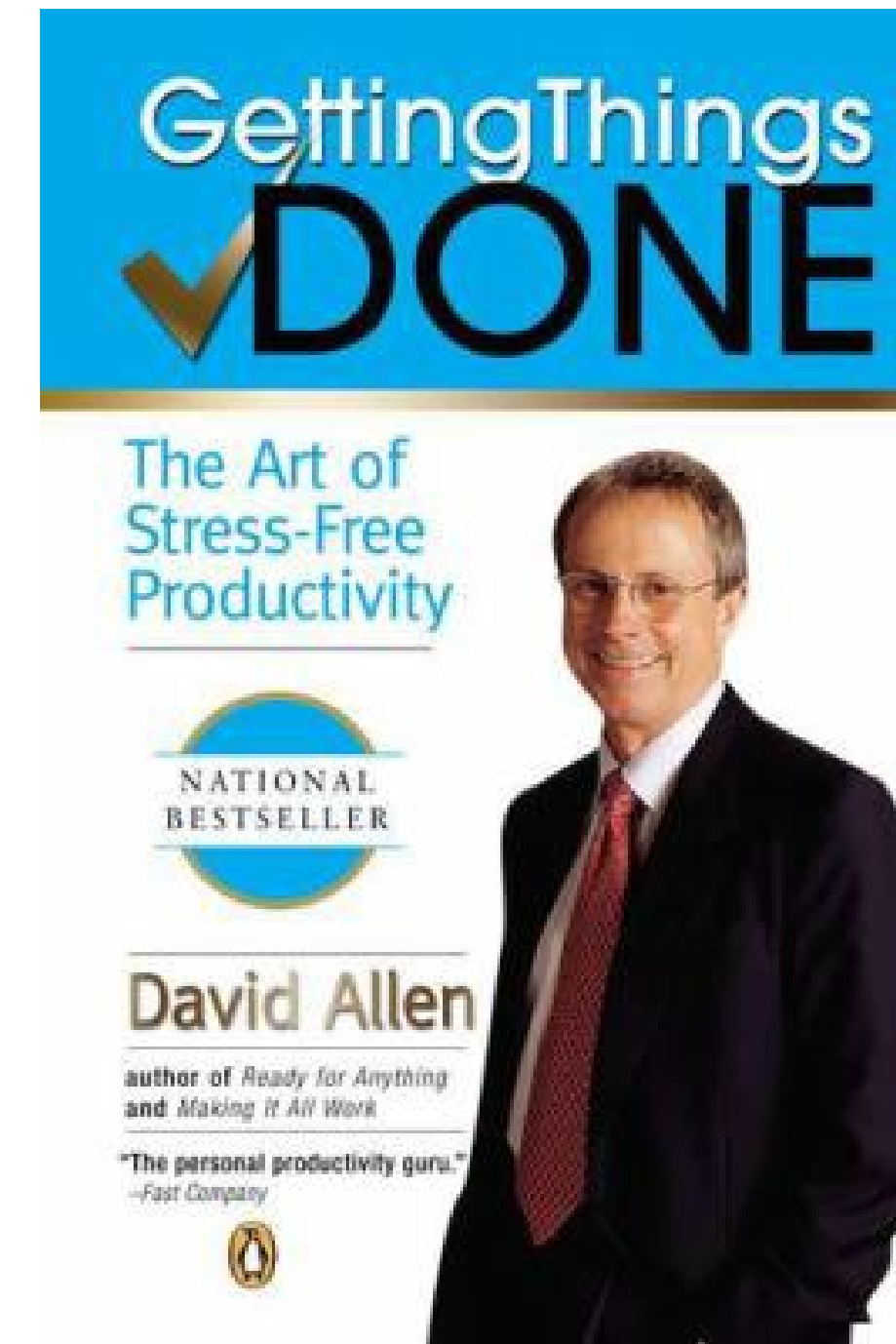
“work expands to fill the time available for its completion”



Time Management

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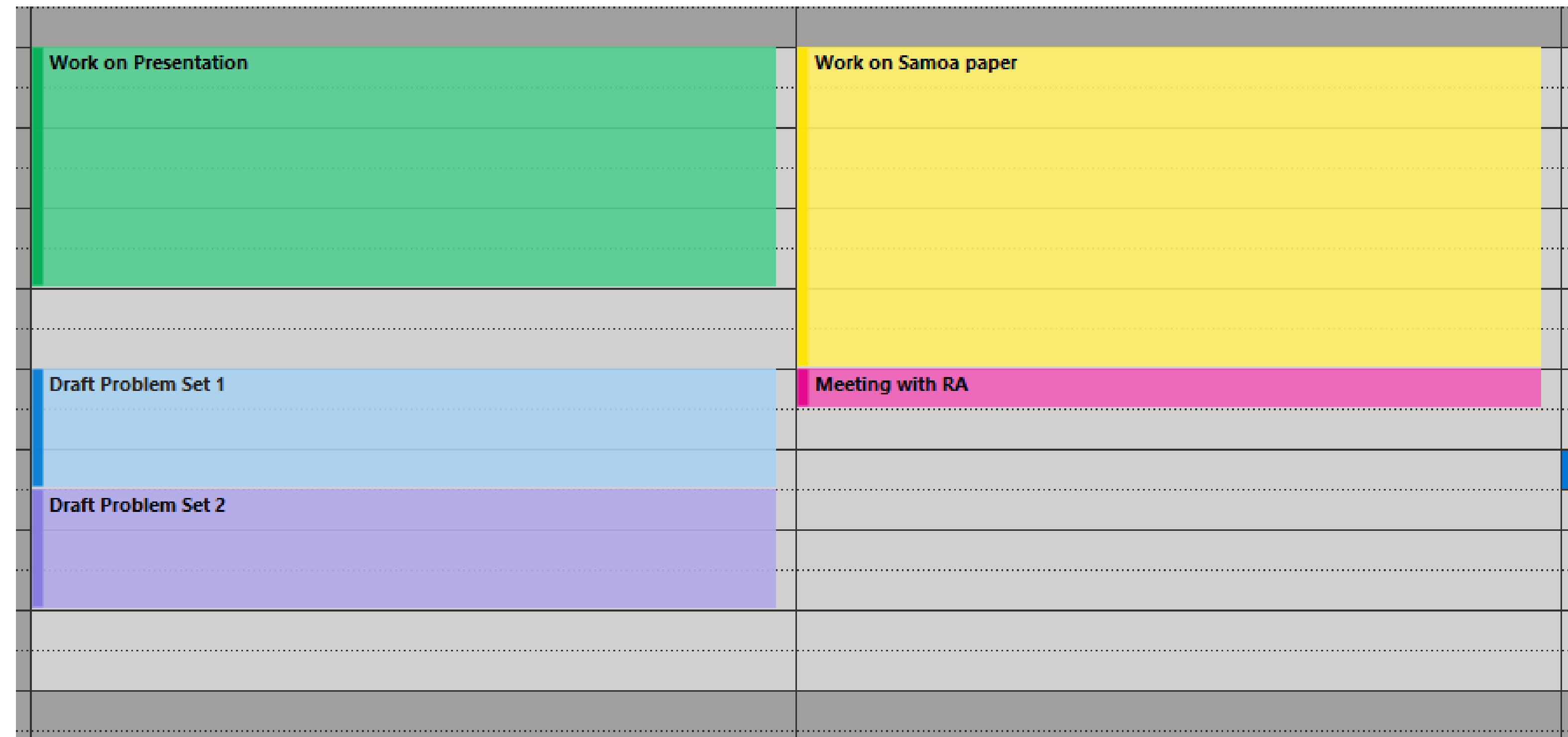
Getting Things Done



Time Management

- How long will task take?
- Allocate enough time for each task
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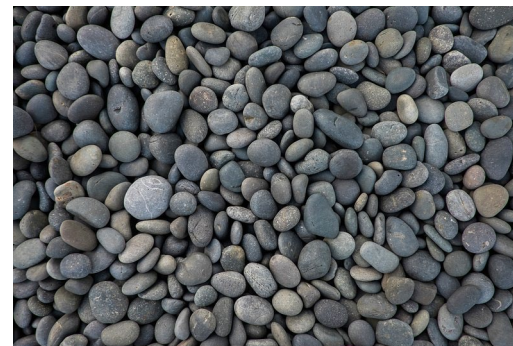
Time Blocking



Time Management

- How long will task take?
- Allocate enough time for each task
- Stay on task

Pickle Jar



Time Management

- How long will task take?
- Allocate enough time for each task
- Stay on task

Move!



Time Management

- How long will task take?
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- Stay on task

Crowdsourced options

goblin.tools/ToDo → breaks down tasks into smaller parts

AI warning!

Exposure therapy

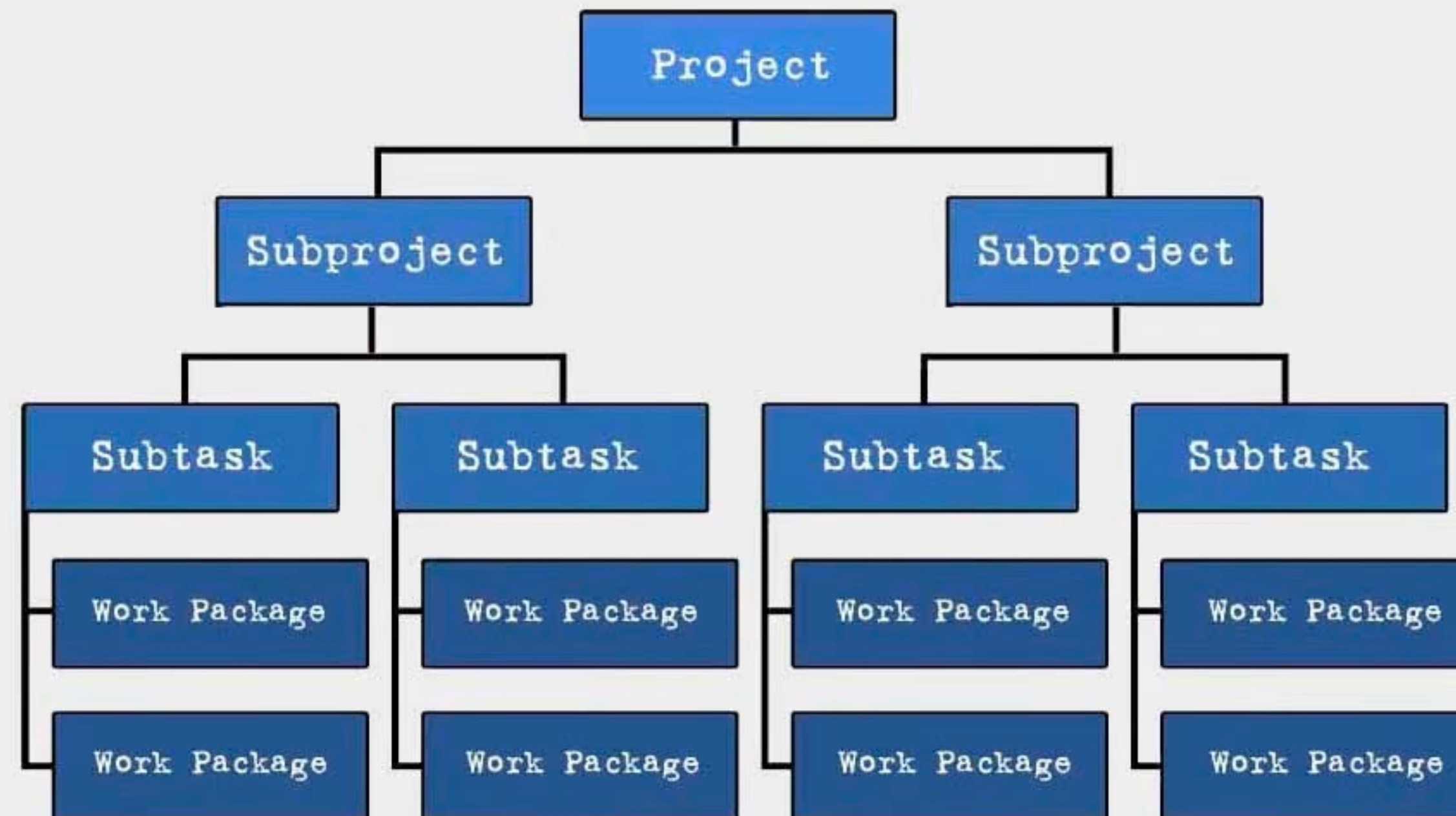


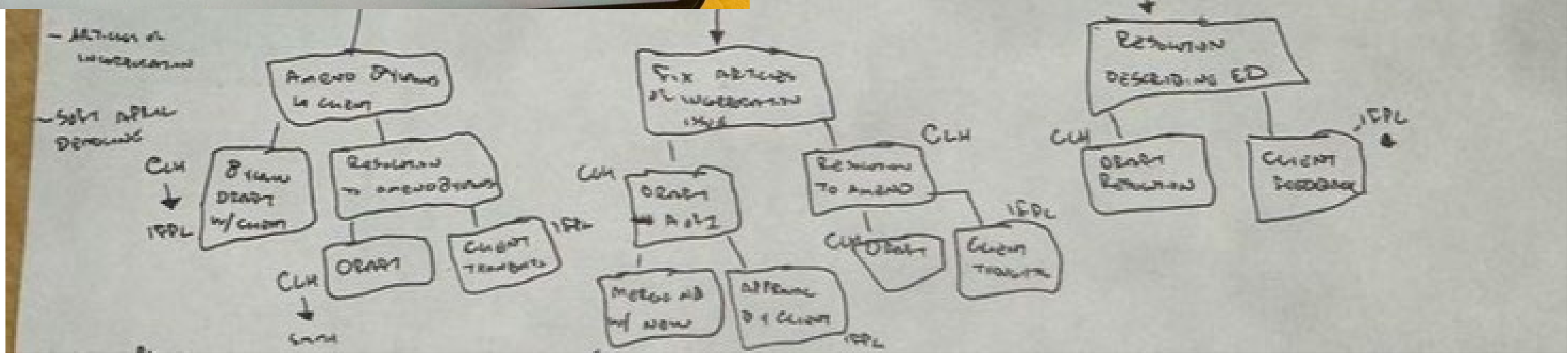
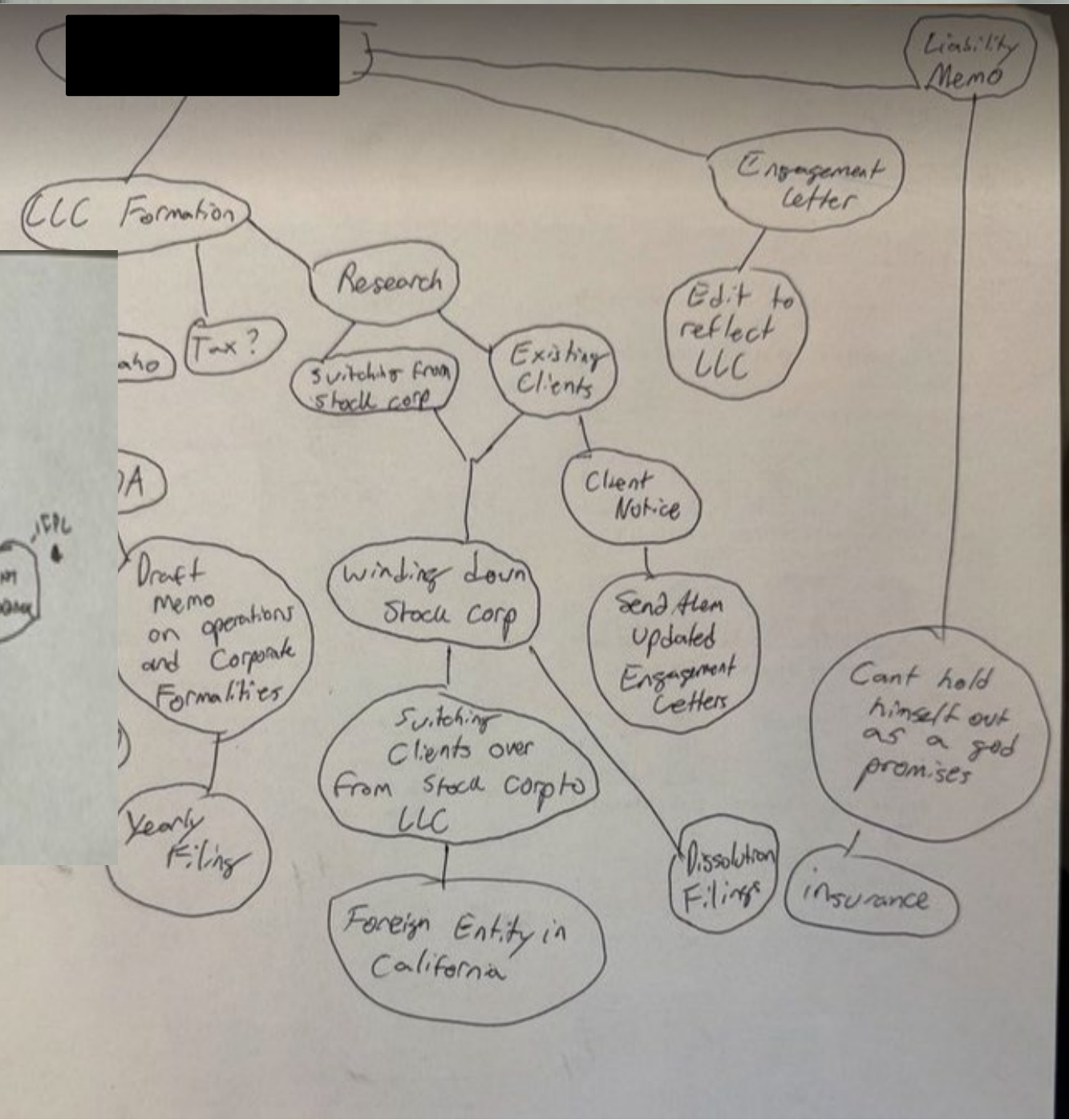
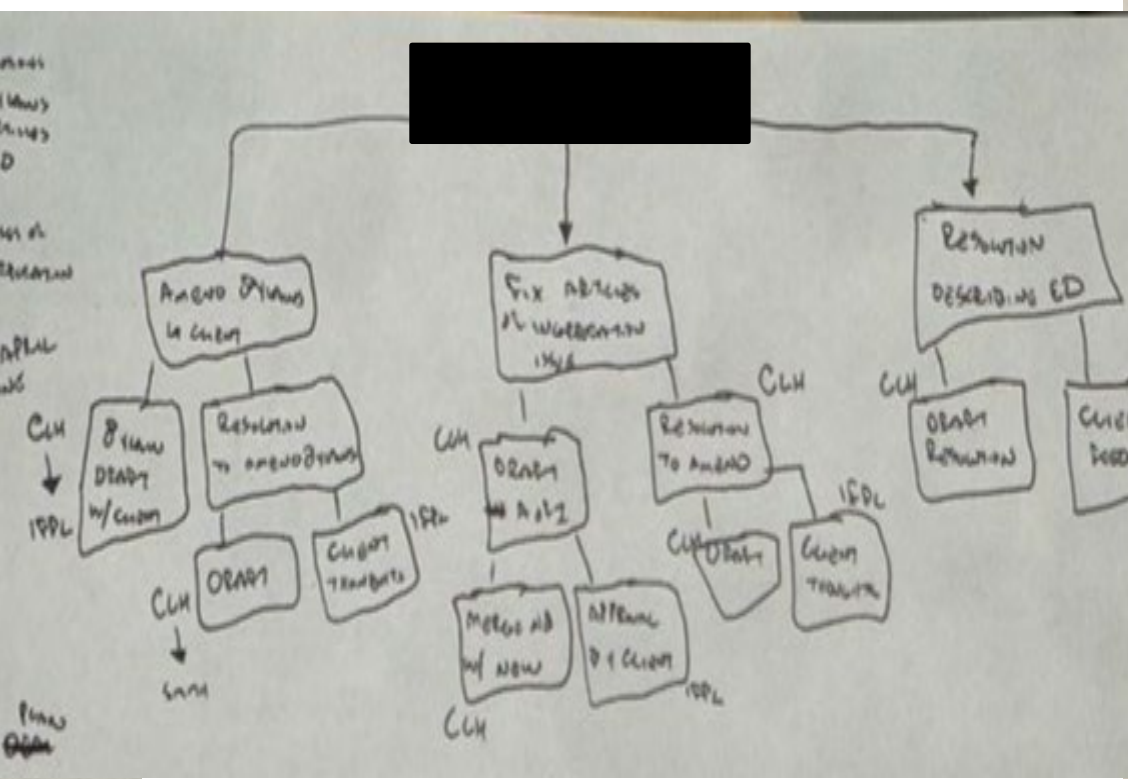
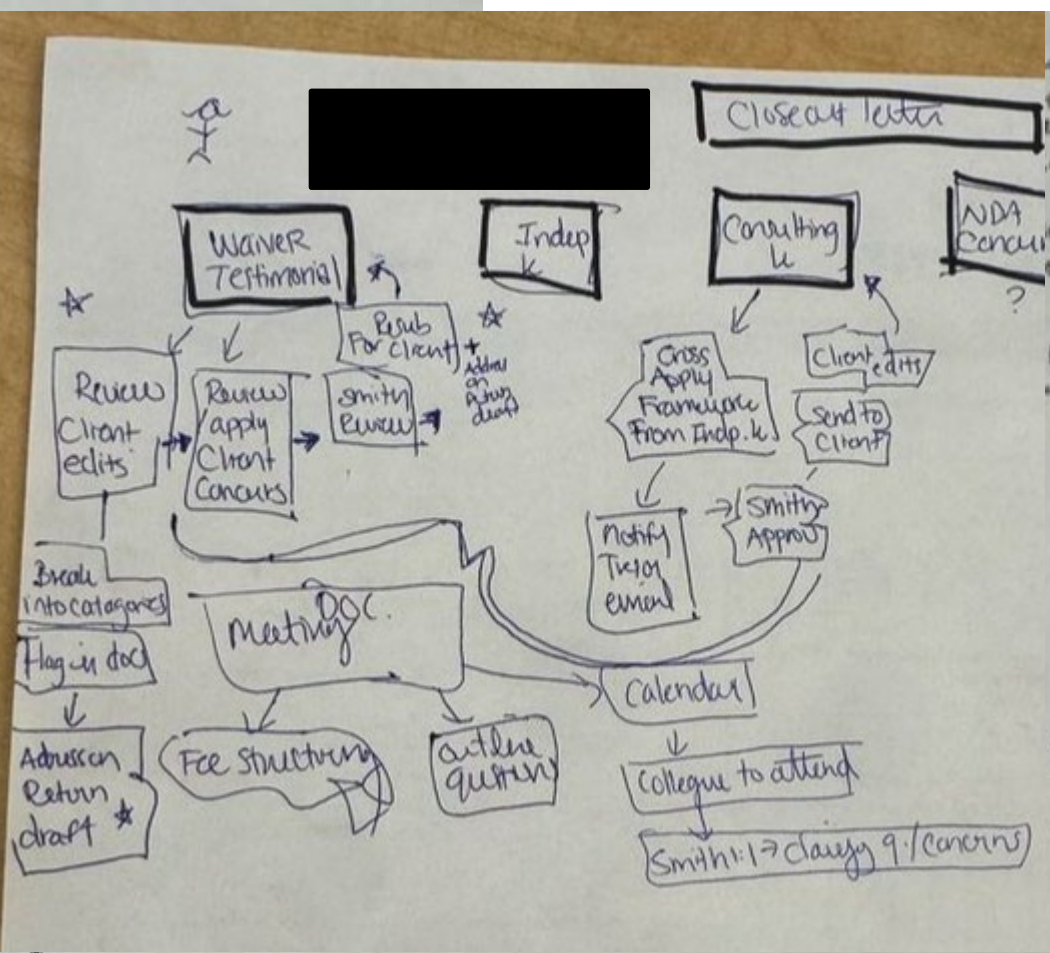
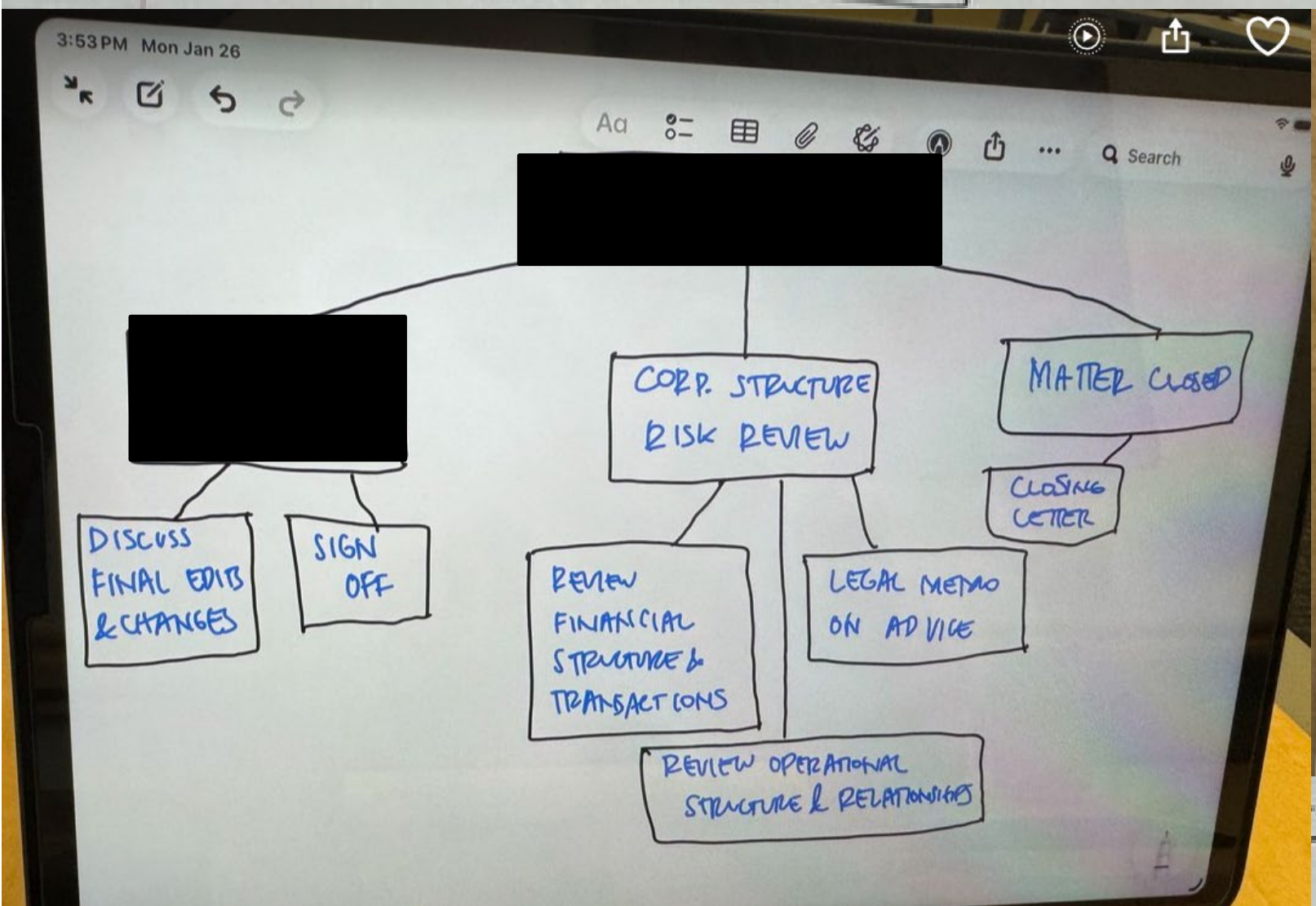
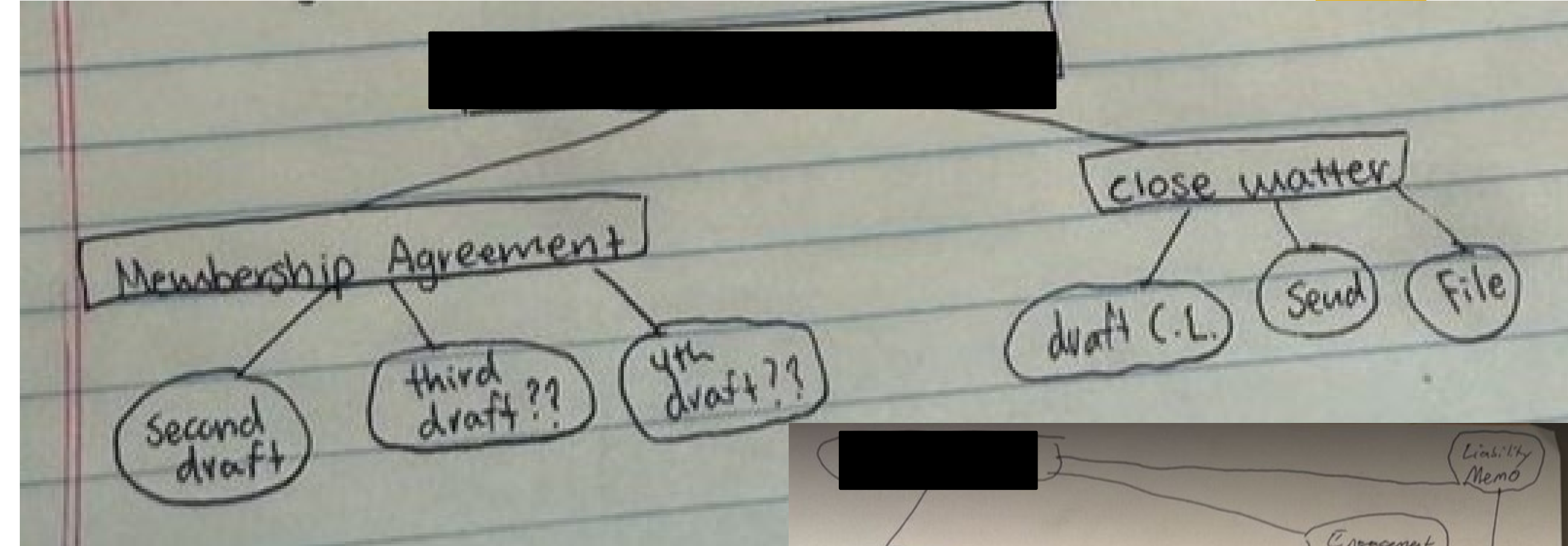
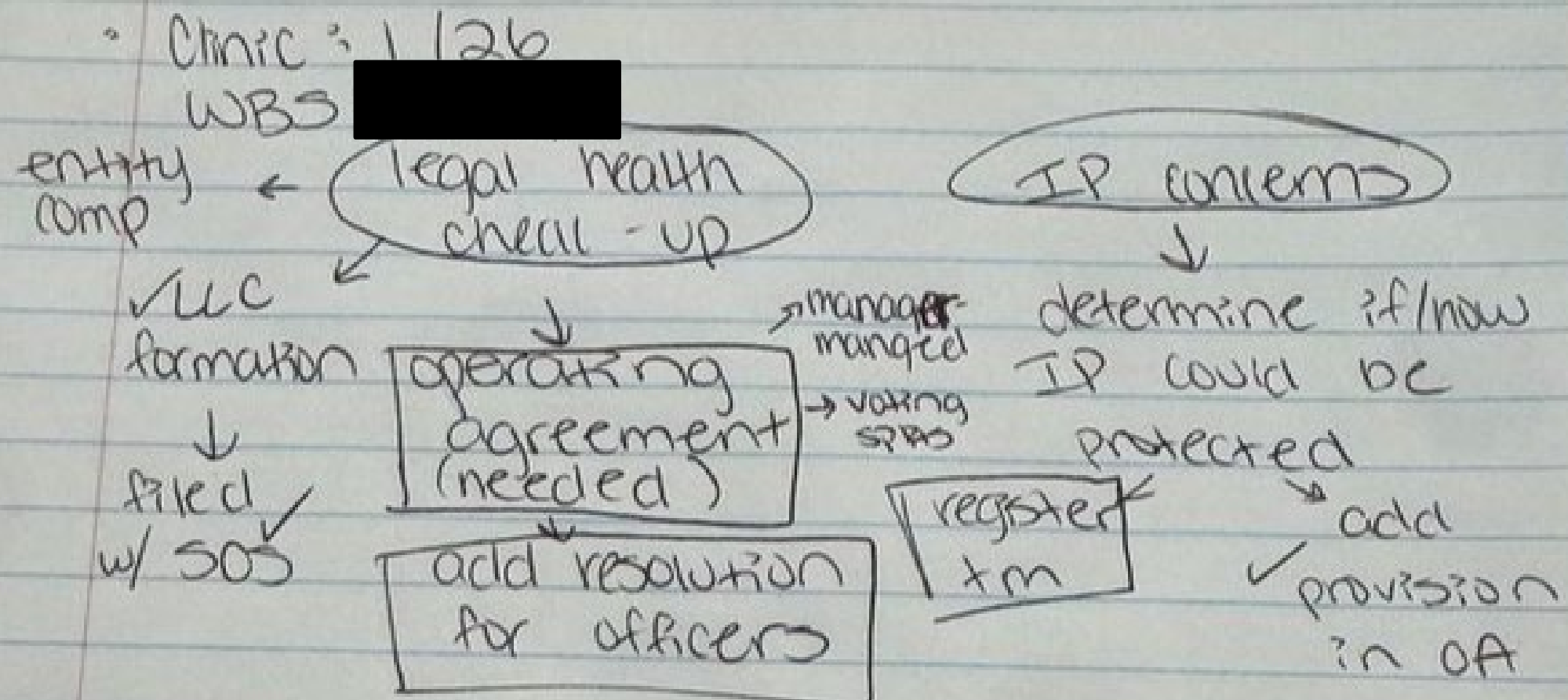
Time Management

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Work Breakdown Structures

WORK BREAKDOWN STRUCTURE





Time Management

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- Stay on task

Pomodoro

Body doubling

Eisenhower Matrix

One tab

Parkinson's Law

Getting Things Done

Time Blocking

Pickle Jar

Walking

Balance Board

Chewing gum

Work breakdown structures

AI tools

Exposure therapy

What systems, processes, cues or other resources have worked to help students with . . .

Planning

Time
Management

Task Initiation

Organization

Problem
Solving

Flexibility*

Working
Memory*

Emotional
Control

Impulse
Control*

Attentional
Control

Self
Monitoring

Metacognition

Goal-Directed
Persistence



DID IT WORK?

A RESOUNDING YES?

- I Student feedback was overwhelmingly positive
- I Excellent in-class discussions
- I At least one student reported “life changing” breakthroughs
- I All student work was completed before the end of the semester

Goal-Directed
Persistence

- Sustained motivation and effort over time and obstacles