Seven Habits of Highly Successful Law Students

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Comments

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INTRODUCTION

Dr. Stephen R. Covey, the founder of the Covey Leadership Institute, has written a trilogy of books designed to give a person the tools needed to live an effective life. The first book, The 7 Habits of Highly Effective People, lays the basic groundwork for the other two books, Principle-Centered Leadership and First Things First. This comment shows how the “seven habits” can be applied to the law school environment and to the practice of law. The habits Dr. Covey outlines are not independent practices that can be applied piecemeal to an individual’s life. They build upon one another, to move the person from a state of dependence, through a state of independence, to the final state of interdependence.¹

Dr. Covey begins the first chapter of The 7 Habits of Highly Effective People by characterizing the problem as an inner hunger that a person may have.² Such inner hunger in the face of outward success is particularly acute in the legal profession. These inner struggles often manifest themselves in unhealthy ways. For example, lawyers are nearly four times more likely than the general population to be depressed.³ Out of 105 different occupations,

1. STEPHEN R. COVEY, THE 7 HABITS OF HIGHLY EFFECTIVE PEOPLE 49 (Fireside ed., Simon & Schuster 1990.)
2. Id. at 15. "In more than 25 years of working with people in business, university, and marriage and family settings, I have come in contact with many individuals who have achieved an incredible degree of outward success, but have found themselves struggling with an inner hunger, a deep need for personal congruency and effectiveness and for healthy, growing relationships with other people." Id.
3. W. Eaton et al., Occupations and the Prevalence of Major Depressive Disorder, 32
lawyers ranked first in susceptibility to experiencing depression.\textsuperscript{4}

In his book, \textit{The Soul of the Law}, Benjamin Sells cites the American Bar Association’s publication, \textit{1990 The State of the Legal Profession}, and describes the different manifestations of the strain of being a lawyer, which include dissatisfaction in work and too little time to spend with families.\textsuperscript{5} The first step in alleviating this dissatisfaction or inner hunger requires a person to determine the root from which the problem stems. Perceptions, and the way those perceptions are formed, have a very powerful ability to control the manner in which one behaves.\textsuperscript{6} The perceptions actually become a sort of lens through which people view the world.\textsuperscript{7} Dr. Covey teaches people not to focus on the world itself, but to focus on the lens through which they view world.\textsuperscript{8} It is that lens which shapes one’s perceptions.\textsuperscript{9} In order to actually achieve effective change, a person has to recognize this truth.\textsuperscript{10} This is especially true for a law student. The lens that each student brings to law school changes while there. The practices and routines of law school generate a number of forces that act on each student and invariably cause each student’s lens to be distorted.

As part of the work done for his leadership institute, Stephen Covey reviewed over 200 years worth of material that included hundreds of books, essays, and articles.\textsuperscript{11} Through that research, he discovered two trends in success techniques which he describes as the “character ethic” and the “personality ethic.”\textsuperscript{12} The character ethic dominated success literature for approximately the first 150 years of his research period.\textsuperscript{13} This ethic centered around a number of qualities like “integrity, humility, fidelity, temperance, courage, justice, patience, industry, simplicity, modesty, and the Golden
The lesson of the character ethic was fairly simple; it taught that there are "basic principles of effective living, and that people can only experience true success and enduring happiness as they learn and integrate these principles into their basic character." In an article published in *Priorities* magazine, Dr. Denis Waitley defines integrity, one of the principle qualities of the character ethic:

This rare quality of integrity is having a standard of personal morality and ethics that does not sell out to expediency and that is not relative to the situation. Integrity is an inner standard for judging your performance.

The shift from the character ethic to the personality ethic began shortly after World War II. At this point, success began to be a measure of the type of personality a person had. Two subsets of the personality ethic emerged—one involved human and public relations; the other stressed the importance of a positive mental attitude. Both courses of the personality ethic steered away from the principles that rooted the character ethic and used public images, attitudes, and behaviors as the formula for success. This formula provided either inspirational maxims (like "your attitude determines your altitude") or intimidation devices (like the "power look") that a person could use to get ahead of others.

Although the elements of the personality ethic may be important and even, in some cases, essential, Covey concludes that they alone cannot provide lasting success. Influence strategies and positive thinking are secondary, not primary, skills to success. "To focus on personality before character is to try to grow the leaves without the roots." Although the use of human influence tactics may produce results in the short term, when individuals rely upon these

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14. *Id.*
15. *Id.*
17. Stephen R. Covey, *The 7 Habits of Highly Effective People* 19.
18. *Id.*
19. *Id.*
20. *Id.*
21. *Id.*
22. Stephen R. Covey, *The 7 Habits of Highly Effective People* 19.
23. *Id.*
tactics over time, they will only promote distrust.\textsuperscript{25} The distrust results from the perception that the user's manipulative nature is duplicitous.\textsuperscript{26} In his article published in \textit{Priorities}, Dr. Denis Waitley illustrates the pitfalls of a personality ethic that has been separated from the character ethic base:

Some people learn to do this [see through the exterior and get to the heart of the situation or problem] quite well and are not fooled by big talk, flashy or bizarre looks, media popularity or expensive possessions. Sadly, most do not. They move through adulthood thinking that the externals in life are what count. Anyone interested in only the external is doomed to live a shallow life. Men and women who lack genuine core values can only rely on their looks or status to feel good about themselves. Inevitably they will do everything they can to preserve the external impression they make but will do very little to develop their inner value and personal growth. There are paradoxes here. The people who try to impress others the most are truly the least impressive. Those who appear powerful do so to hide their insecurities.\textsuperscript{27}

Stephen Covey highlights the difference between the personality ethic's emphasis on technique and the character ethic's substance with some examples. The first example he uses is cramming.\textsuperscript{28} Cramming ignores the basic substance of the character ethic. A student who crams his or her way through school may get good grades in the short term, but the quality of that student's actual education is certainly inferior to the education received and absorbed by the student who put the work in throughout the entire semester to actually master the material.\textsuperscript{29} In another example, Stephen Covey asks the question whether a person can “cram” on the farm.\textsuperscript{30} It is simply not possible to ignore the duties of the farm throughout the entire season, then right before the harvest go out and hurriedly put the seed in the ground, till the soil, use a strong sense of positive mental attitude, and expect results.\textsuperscript{31}

In the law school environment, the personality ethic is easy to

\begin{footnotes}
\item[25] Id.
\item[26] Id.
\item[28] Stephen R. Covey, \textit{Principle-Centered Leadership} 57.
\item[29] Id.
\item[30] Stephen R. Covey, \textit{The 7 Habits of Highly Effective People} 22.
\item[31] Id.
\end{footnotes}
find and easy to practice. There is an entire industry devoted to study aids and other materials that encourage the student to cram his or her way through school. The choices include videotapes, audiotapes, flash cards, books that explain the "black letter law," books that provide prepared briefs of cases discussed in class, books specifically designed for bar review, and other materials. Although a conscientious student may perform all of the required work himself or herself, and simply use these materials to augment that preparation, it is certainly easy to conclude that the majority of the students who comprise this market use these study aids as a substitute for the actual work, not as an augmentation device. These study aids represent nothing more than the practice of the personality ethic. Just as a "power look" is a manipulative device that presents a certain image to others, the use of study aids to cram through law school presents a distorted image to the professors and the school. The outside world sees a passing grade on an exam as a measure of mastery of the material. However, when a student does not take the time during the semester to gradually build the level of knowledge, then that student does not learn the material well. The problem with law school is that final grades do not differentiate between those students who truly know the material and those students who crammed and made it through the final largely on short term memory. Because law schools tend to overemphasize the importance of class standings and grades, the schools may be encouraging sloppy habits.32

Character ethic and personality ethic are two examples of social paradigms.33 A paradigm is the manner in which a person sees the world.34 The paradigms a person holds, in large part, determine attitudes and behaviors. Being conditioned to respond in a particular fashion to a particular circumstance (the paradigm) is a powerful force in shaping a person's behavior, even though the person may not realize it.35 For a real change to take effect, the paradigm needs to be shifted.36 Stephen Covey calls a paradigm

32. Id. at 35. "The glitter of the Personality Ethic, the massive appeal, is that there is some quick and easy way to achieve quality of life—personal effectiveness and rich, deep relationships with other people—without going through the natural process of work and growth that makes it possible."

33. Id. at 23.

34. Stephen R. Covey, The 7 Habits of Highly Effective People 23. "The word paradigm comes from the Greek. It was originally a scientific term, and is more commonly used today to mean a model, theory, perception, assumption, or frame of reference." Id.

35. Id.

36. Id.
shift like this an "Aha!" experience. He gives the following example of an "Aha!" experience, as first told by Frank Koch in the Naval Institute's Proceedings:

Two battleships assigned to the training squadron had been at sea on maneuvers in heavy weather for several days. I was serving on the lead battleship and was on watch on the bridge as night fell. The visibility was poor with patchy fog, so the captain remained on the bridge keeping an eye on all activities. Shortly after dark, the lookout on the wing of the bridge reported,

"Light, bearing on the starboard bow."

"Is it steady or moving astern?" the captain called out.

Lookout replied, "Steady, captain," which meant we were on a dangerous collision course with that ship.

The captain then called to the signalman, "Signal that ship: We are on a collision course, advise you to change your course 20 degrees."

Back came the signal, "Advisable for you to change course 20 degrees."

The captain said, "Send, I'm a captain, change course 20 degrees."

"I'm a seaman second class," came the reply. "You had better change course 20 degrees."

By that time, the captain was furious. He spat out, "Send, I'm a battleship. Change course 20 degrees."

Back came the flashing light, "I'm a lighthouse."

We changed course.

Clearly, the captain of the battleship was operating from a

37. Id. at 29.
38. Id. at 33.
paradigm. He was a high-ranking official in command of a very formidable vessel. He was probably used to getting his own way. His behavior was the natural result of operating from this paradigm. Not until he clearly saw that his paradigm would be completely ineffective for the situation did he change his behavior. He shifted his paradigm. To use the map analogy, the captain realized that his map was for the wrong territory. Just as a map of Pittsburgh will do a person no good in Philadelphia, a paradigm designed for one circumstance has little value in other circumstances.39

Stephen Covey's Seven Habits of Highly Effective People represents fundamental principles.40 However, before a person can understand the principles of the seven habits, he or she must understand the paradigms that determine behaviors and attitudes. Once recognized, those paradigms can be shifted.41 The shifting of the paradigm will change the person from the inside out. This "inside out" change is much more likely to have a lasting effect than would a simple change to the environment. That is why the character ethic is so important. The character ethic embodies principles and values.42 The personality ethic, on the other hand, embodies behaviors and attitudes that are external and does not encourage change from the inside out.43 "The more aware we are of our basic paradigms, maps, or assumptions, and the extent to which we have been influenced by our experience, the more we can take responsibility for those paradigms, examine them, test them against reality, listen to others and be open to their perceptions, thereby getting a larger picture and a far more objective view."44

Stephen Covey notes an observation once made by Albert Einstein, "[t]he significant problems we face cannot be solved at the same level of thinking we were at when we created them."45 In other words, remediing the problems of life requires people to achieve a new level of thinking.46 People need to experience a paradigm shift.47 People usually find this significant level of change

40. Id.
41. Id.
42. Id.
43. Id.
44. STEPHEN R. COVEY, THE 7 HABITS OF HIGHLY EFFECTIVE PEOPLE 29.
45. Id.
46. Id.
47. Id. "The term paradigm shift was introduced by Thomas Kuhn in his highly
after experiencing a life-threatening situation. After such an experience, the person usually sees priorities in a different light. Seeing things differently produces “quantum improvements” in the lives of people, especially when compared to the amount of change that results from working exclusively from the Personality Ethic. Stephen Covey quotes Thoreau to illustrate this point; “[f]or every thousand hacking at the leaves of evil, there is one striking at the root.” Stephen Covey likens Thoreau’s “leaves” with attitudes and behaviors (the targets of the Personality Ethic) and the “root” with the “paradigms from which our attitudes and behaviors flow.”

As this comment introduces the seven habits, it examines the paradigms that exist in law school and in the lives of law students. One such paradigm, already touched upon, is cramming versus working throughout the year to get good grades. Good grades usually mean better job opportunities. Better job opportunities usually mean better financial rewards. Better financial rewards equal happiness (in this paradigm). This is an “attractive” paradigm, especially when one considers the fact that it is a lot easier to cram at the end of a semester for a couple of days than to put the time in throughout the entire course.

For purposes of the book, Stephen Covey defines a “habit” as an “intersection of knowledge, skill, and desire.” Knowledge is a person’s “what to do” paradigm, skill is the paradigm of “how to do,” and desire is the paradigm of “want to do.” For a person to

influential landmark book, The Structure of Scientific Revolutions. Kuhn showed almost every significant breakthrough in the field of scientific endeavor is first a break with tradition, with old ways of thinking, with old paradigms.” Id. at 31.

48. Id. at 31.
49. Id.
50. Id.
51. Id.
52. Id. Stephen Covey cites a piece written by Eric Fromm which describes the “fruits” of a life dedicated to the Personality Ethic. It is used here to show how dominant the Personality Ethic is in the law schools because it is a fairly accurate description of law students, “[t]oday we come across an individual who behaves like an automaton, who does not know or understand himself, and the only person that he knows is the person that he is supposed to be, whose meaningless chatter has replaced communicative speech, whose synthetic smile has replaced genuine laughter, and whose sense of dull despair has taken the place of genuine pain. Two statements can be said concerning this individual. One is that he suffers from defects of spontaneity and individuality which may seem to be incurable. At the same time it may be said of him he does not differ essentially from the millions of the rest of us who walk upon this earth.” Id. at 36.
53. Id. at 47.
54. Id.
55. Id.
have a habit, according to Stephen Covey, all three paradigms must co-exist.\textsuperscript{56} A people must know a particular skill (such as the ability to listen to another person), must know how to practice that skill, and must want to practice that skill in order to have an effective habit such as personal interaction.\textsuperscript{57}

**THE MATURITY CONTINUUM: MOVING FROM DEPENDENCE TO INDEPENDENCE TO INTERDEPENDENCE**

The seven habits are designed to move a person to a higher level along the "Maturity Continuum."\textsuperscript{58} The Maturity Continuum illustrates how a person can move from a state of dependency, through independency, to a state of interdependency.\textsuperscript{59} Stephen Covey believes this progression to be in accord with the natural laws of growth, as demonstrated in a person's actual life.\textsuperscript{60} An infant is completely dependent on others for basic survival needs.\textsuperscript{61} The person then moves from the independence of growing older and more able to an interdependence of becoming a part of a society.\textsuperscript{62} Put another way, dependence is the paradigm of "you," as in, you provide everything for me.\textsuperscript{63} Independence is the paradigm of "I", as in, "I can do it on my own."\textsuperscript{64} Interdependence is the paradigm of "we", as in, "we can accomplish more together than we can separately."\textsuperscript{65} Society today places all emphasis on independence as the "avowed goal of many individuals and social movements."\textsuperscript{66} It is almost as if a state of interdependence is a different degree of dependence and, therefore, not the position that a person should strive to attain.\textsuperscript{67}

There is one custom in law schools that truly demonstrates that interdependence works. Just as Scott Turow described in his book *One-L*, and as probably every law school orientation program prescribes, study groups are a sort of unstated requirement in school. Study groups also show how effective interdependence can

\textsuperscript{56} \textit{Id.}
\textsuperscript{57} \textit{Id.}
\textsuperscript{58} \textit{Id.} at 48-49.
\textsuperscript{59} \textsc{Stephen R. Covey}, \textit{The 7 Habits of Highly Effective People} 49.
\textsuperscript{60} \textit{Id.}
\textsuperscript{61} \textit{Id.}
\textsuperscript{62} \textit{Id.}
\textsuperscript{63} \textit{Id.}
\textsuperscript{64} \textsc{Stephen R. Covey}, \textit{The 7 Habits of Highly Effective People} 49.
\textsuperscript{65} \textit{Id.}
\textsuperscript{66} \textit{Id.} at 50.
\textsuperscript{67} \textit{Id.}
be. No law student should get such a false sense of security that he will believe that he has absorbed all of the details of the law he is exposed to during a course. It is for this reason that study groups are more than common in law schools. They are almost a tradition that has stood the test of time. However, the impact of such a natural law (that two can accomplish more together than the sum of what they could accomplish separately) is diminished because of the pervasive atmosphere of self-gain. Study groups become more of a survival tactic than an exercise in raising the quality of the work of the entire group. Once again, this can be seen in the dynamics of study groups. Not only do students assemble to work in groups, but they also begin a sort of “hunting/gathering” exercise whereby members of the group seek out rich “food supplies” like old outlines, old copies of tests, and commercial study aids. Students bring these to the group, and the members of the group find security in the quality and quantity of what was gathered. The quality of the material refers to how much it will actually prepare the student for the exam. For example, outdated material will not have much quality because any amount of time studying it will not enhance the students' chances of doing well on the exam. On the other hand, a BarBri© bar review outline that was written for the actual bar review course and authored by the students' professor has high quality value. By the same token, quantity refers to the availability of the material. In other words, how many other groups have this material? Fewer groups having the material means that fewer groups have the advantage the material provides. Because law school courses are typically graded on a curve, it is good to have such an advantage. Therefore, the quantity value of that material would also be high. This backdrop of independence, of not falling behind other students, overshadows the lesson of the interdependent value of study groups.

Stephen Covey’s teachings show that, although independence is important, it should not be the final step of the growth of an effective person.68 However, a person cannot truly reap the benefits of interdependence without first becoming independent.69 Just as a person cannot harvest a crop unless all of the precatory steps have been followed properly, a person cannot effectively use the concepts of teamwork and communication with others until that

68. Id. at 51.
69. STEPHEN R. COVEY, THE 7 HABITS OF HIGHLY EFFECTIVE PEOPLE 51.
person has mastered his own life. Habits 1, 2, and 3 are designed to be followed in sequence and give the person those "private victories" that are the essence of the character ethic. Habits 4, 5, and 6 are designed to operate from the character base established by the first three habits and help the person achieve those "public victories" of interdependence. Stephen Covey borrows from Marilyn Ferguson and states, "[n]o one can persuade another to change. Each of us guards a gate of change that can only be opened from the inside. We cannot open the gate of another, either by argument or by emotional appeal." The seven habits are designed to give the person the ability to open his or her "gate of change" and to show the futility many of the other "self-help" strategies, which fail to follow the natural laws represented by principles.

PRIVATE VICTORIES: HABIT 1 - BE PROACTIVE

The essence of Habit 1 can be summarized by the experiences of Viktor Frankl in the concentration camps of Germany. Frankl was a psychiatrist (schooled in the Freudian tradition) and a Jew. During the Holocaust, he and his entire family were sent to the concentration camps where he experienced tremendous indignation and torture. His wife and other members of his family were killed in those camps, and he did not know from one moment to the next whether he would be one of the next victims in the ovens or whether he would be tasked with the grim chore of cleaning out the remains of those killed. It was at this point that Frankl discovered what he described as the "last of the human freedoms." His captors, the Nazis, could "control his entire environment, they could do what they wanted to his body, but Viktor Frankl himself was a self-aware being who could . . . decide within himself how all of this was going to affect him." Frankl recognized the power to choose his response to the stimulus of his

70. Id.
71. Id.
72. Id.
73. Id. at 60-61.
74. Stephen R. Covey, The 7 Habits of Highly Effective People 60-61.
75. Id. at 68-70.
76. Id. at 69.
77. Id.
78. Id.
79. Stephen R. Covey, The 7 Habits of Highly Effective People 69.
80. Id.
Using a combination of self-awareness, imagination, conscience, and independent will, Frankl would project himself into other circumstances using his mind's eye. He would picture himself after his release from the camps doing various activities, such as lecturing students in the classroom. The more he used this ability, the more clearly he was able to create the detail, which would strengthen the freedom he had discovered. He became an inspiration to the other prisoners and even some of his captors. "They (the Nazis) had more liberty, more options to choose from in their environment; but he had more freedom, more internal power to exercise his options." The principle that Frankl discovered, which is the basis of Habit 1, uses the human ability of self-awareness to form the principle: "between stimulus and response, man has the freedom to choose."

The habit of being proactive requires more than simply acting first, or always choosing to do something. The habit to be proactive intends to have the person take responsibility for his or her life. A person's behavior reflects every decision he or she makes. A person can either be reactive or proactive. A reactive person has, in effect, empowered circumstances and/or conditions to control his or her decisions. Examples of such circumstances include the weather and social conditions. If the weather is bad, that person feels bad, or if that person is not treated well, he or she does not feel well. Reactive people base their emotional lives on the weakness of others. Those weaknesses control reactive people because they have been empowered to affect the decision-making process of the reactive person. A proactive person, in contrast, is influenced by external stimuli, but does not

81. Id.
82. Id. at 69-70.
83. Id. at 69.
84. Stephen R. Covey, The 7 Habits of Highly Effective People 69.
85. Id.
86. Id.
87. Id. at 70.
88. Id.
89. Stephen R. Covey, The 7 Habits of Highly Effective People 70.
90. Id. at 71.
91. Id.
92. Id.
93. Id. at 72.
94. Stephen R. Covey, The 7 Habits of Highly Effective People 72.
95. Id.
96. Id.
use those conditions as the basis for decisions.\textsuperscript{97} A proactive person's decisions are based on values that are "carefully thought about, selected and internalized."\textsuperscript{98} In other words, a proactive person makes his or her own weather.\textsuperscript{99}

Law students are not immune from the temptation to fall into a reactive role in school. The first year of law school is traditionally understood to be the toughest. If a student can make it through the first year, there is a high probability that the person can successfully complete the degree. What makes the first year of law school so difficult? Of course, law is a study unlike many other fields of study. It requires the student to think about problems in a different fashion. The first year of law school also includes a work load that is probably heavier than what most students faced as undergraduates. However, how much of this understood level of difficulty actually is the result of the social climate of law school? In other words, can the myth of the first year also be the result of reactive students convincing themselves that law school is so difficult? Stephen Covey pointed out that reactive people feel better when they are treated better.\textsuperscript{100} It follows that reactive law students feel good if they consider the experience of law school to treat them well. The converse is that reactive students do not feel well or enjoy themselves when they are not treated as well as they would like. Some degree of difficulty is inherent with beginning legal studies. The student must develop a new way to think about and analyze problems. However, that external stimulus should only affect the attitude and behavior of the student as much as that student allows it to. Reactive students will translate the challenges of the first year into an attitude and belief that the life of a first year law student is tremendously difficult. But between stimulus and response, man has the ability to choose.\textsuperscript{101} The mental attitude and mind-set of the first-year law student is not prescribed by the rigors of the curriculum unless the student allows it to be.

**PRIVATE VICTORIES: HABIT 2 - BEGIN WITH THE END IN MIND**

Before a person can implement Habit 2 (begin with the end in

\textsuperscript{97} Id.
\textsuperscript{98} Id. Stephen Covey quotes Eleanor Roosevelt, "No one can hurt you without your consent." Id. Along those same lines, Gandhi said, "They cannot take away our self respect if we do not give it to them." Id.
\textsuperscript{99} Stephen R. Covey, The 7 Habits of Highly Effective People 72.
\textsuperscript{100} Id.
\textsuperscript{101} Supra note 93.
mind), the person has to determine what his or her life is centered upon. Specifically, a person cannot define where he or she intends to go in life, to define his or her own mission, without understanding from which point he or she is starting. The center of a person's life, in whatever form that center exists, provides the source for that person's security, guidance, wisdom, and power. These four factors exist to some degree within any possible center. When all four are balanced, they become interdependent—security and guidance contribute to wisdom and wisdom and power bolster a person's sense of security.

Every person has a center to his or her life. We can easily identify several centers. A person's life can be centered on such things as the spouse, the family, money, work, possessions, pleasure, friends or enemies, or self. One way we can discern a person's center can be discerned is by observing that individual's life-support factors. Whatever outside factors tend to influence a person's actions or feelings will reveal that person's center. The conditions, either external or internal, that influence people can keep them on a roller coaster of emotion. One minute a person can feel high, and the next minute feel low, as the world around him or her changes. This roller coaster effect becomes more pronounced if the person fluctuates from one center to the next in an attempt to compensate weakness in one area by borrowing strength from another.
A center based on principles provides the solid foundation for the development of security, wisdom, guidance, and power.\textsuperscript{116} What makes a principle-centered person different from a person who centers his or her life on other influences is that those principles provide a “fundamental paradigm of effective living.”\textsuperscript{116} The fundamental quality of the paradigm is a result of the unchanging nature of principles: principles are not subject to manipulation from any other source.\textsuperscript{117}

To make the transition from recognizing one’s center and actually practicing the habit of beginning with the end in mind, Dr. Covey recommends developing a personal mission statement.\textsuperscript{118} To effectively write a mission statement, a person should deeply explore himself or herself in order to “understand and realign our basic paradigms to bring them in harmony with correct principles.”\textsuperscript{119} The process of actually developing the mission statement is as important as the product itself.\textsuperscript{120} The process requires the person to examine his or her priorities deeply and to align behavior to fit those priorities.\textsuperscript{121} Once this is accomplished, others will notice that the person’s behavior is no longer driven by what happens to that person, but will be the result of that person’s principle-based responses to the outside world.\textsuperscript{122} The personal mission statement should be treated as a personal constitution because it expresses what the person has determined to be his or her personal goals and values.\textsuperscript{123} As the name implies, if done

\textsuperscript{115} Id. at 122-23. Covey defines principles as “deep, fundamental truths, classic truths, generic common denominators.” Id. at 122. One characteristic of principles is that despite what occurs in the person’s life, they are unchanging. Id. at 123. A person’s security comes from the knowledge that true principles are constantly validated through everyday experiences. Id. at 124. Guidance can be found in the compass that is provided from the principles which gives both direction and the manner to get where a person wants to go. Id. Wisdom comes from using judgment and making decisions based upon consequences from a person’s actions and the assurance that comes with making decisions for these reasons. Id. Finally, the limits of a person’s power are a product of the person’s observance of natural laws. Id.

\textsuperscript{116} Id. at 123.

\textsuperscript{117} Stephen R. Covey, The 7 Habits of Highly Effective People 123. “[P]rinciples don’t change; our understanding of them does.” Id. Furthermore, “[a] paradigm is like a pair of glasses; it affects the way you see everything in your life. If you look at things through the paradigm of correct principles, what you see in life is dramatically different from what you see through any other centered paradigm.” Id.

\textsuperscript{118} Id. at 128.

\textsuperscript{119} Id.

\textsuperscript{120} Id.

\textsuperscript{121} Id.

\textsuperscript{122} Stephen R. Covey, The 7 Habits of Highly Effective People 129.

\textsuperscript{123} Id.
properly, the personal mission statement will provide a sense of mission to everything that a person does.\textsuperscript{124}

Richard Carlson, Ph.D., published a book entitled \textit{Don't Sweat the Small Stuff . . . and It's All Small Stuff: Simple Ways to Keep the Little Things from Taking Over Your Life}.\textsuperscript{125} One of the lessons of the book supports Stephen Covey's habit of beginning with the end in mind.\textsuperscript{126} Carlson suggests that people should imagine themselves at their own funeral.\textsuperscript{127} By doing so, and imagining the reaction such an image engenders, a person undertakes the personal exploration necessary for developing the personal mission statement. Both Habit 2 and imagining your own funeral direct a person to establish what is important in life and live in such a way as to contribute to those values.

A seminar conducted by the Career Services Office of Duquesne University's School of Law indirectly raised the issue of beginning with the end in mind. The "Interview Skills Workshop," conducted on August 22, 1998, allowed students the opportunity to hear two speakers discuss job interview skills and provide tips for interview preparation. One of the pieces of advice given was that the student should ask himself or herself what type of law he or she wants to practice and with what size firm he or she would like to be employed. This was a small scale version of what Stephen Covey offers as Habit 2. Should a student prefer a small firm, it would be a waste of time to interview with a firm with hundreds of associates and partners. Doing so would not further the goal of working with a small firm. Of course, it is important for the student to define this goal (preference for a small firm) before getting into the interview process, otherwise he or she will waste a lot of time. What Stephen Covey suggests with Habit 2 is to take the sequence of this small example and to apply it to all aspects of life.

\textbf{PRIVATE VICTORIES: HABIT 3 - PUT FIRST THINGS FIRST}

Stephen Covey opens the chapter explaining Habit 3 with the following quote from Goethe, "Things which matter most must

\begin{itemize}
  \item \textsuperscript{124} \textit{Id.}
  \item \textsuperscript{125} \textit{RICHARD R. CARLSON, DON'T SWEAT THE SMALL STUFF ... AND IT'S ALL SMALL STUFF} (Hyperion, 1997).
  \item \textsuperscript{126} \textit{Id. at 59-60.}
  \item \textsuperscript{127} \textit{Id.} "While it can be a little scary or painful, it's a good idea to consider your own death and, in the process, your life. Doing so will remind you of the kind of person you want to be and the priorities that are most important to you. If you're at all like me, you'll probably get a wake-up call that can be an excellent source of change." \textit{Id.}
\end{itemize}
never be at the mercy of things which matter least." Habit 3 takes the values that have been acknowledged in Habit 2 and applies them to a person's life. A person can become principle centered only after mastering Habit 1 and Habit 2. Habit 1 uses a person's self awareness and allows him or her to see what forces act upon him or her, and to realize through what paradigms he or she sees the world. Habit 2 uses imagination and conscience to discern what goals and values the person wants and uses those goals to write a personal constitution, the personal mission statement. To borrow a computer metaphor, Habit 1 tells a person that "you are the programmer," and Habit 2 says to "write the program." To extend the metaphor, Habit 3 says to "run the program." Specifically, Habit 3 provides the way in which this personal mission statement can be applied to a person's life so that the person can become principle-centered. This is accomplished through the use of independent will and discipline to practice effective self-management.

Independent will is essential to effective self management. Independent will in this respect is defined as the power to make decisions and choices as opposed to having those decisions made for you. Put another way, it is the ability to be proactive as opposed to reactive—to act as opposed to being acted upon. To be truly empowered the independent will must be put to use in decisions made everyday. As independent will is exercised daily, personal integrity—the value people place in themselves—is increased.

The exercise of independent will requires self-discipline. In order to effectively manage oneself, the discipline must come from

128. Stephen R. Covey, The 7 Habits of Highly Effective People 146.
129. Id.
130. Id. at 147.
131. Id. at 146.
132. Id. at 146-47.
133. Stephen R. Covey, The 7 Habits of Highly Effective People 169.
134. Id.
135. Id. at 147.
136. Id.
137. Id. at 147-48.
138. Stephen R. Covey, The 7 Habits of Highly Effective People 148.
139. Id.
140. Id.
141. Id.
142. Id.
within.\textsuperscript{143} Self-discipline becomes the expression of independent will by subordinating desires to a sense of purpose.\textsuperscript{144} The sense of purpose comes from Habit 2—the "end" recognized by the habit "begin with the end in mind."\textsuperscript{145} Habit 3 prescribes the use of independent will to subordinate the desires and impulses of the moment and to function in such a way to further one's values.\textsuperscript{146} Such discipline is the act of effective management and is what allows a person to "put first things first."\textsuperscript{147}

Habit 3 offers a new method for time management.\textsuperscript{148} It is based not on time schedules or things on a checklist, but on enhancing relationships and accomplishing results.\textsuperscript{149} Covey uses two factors, importance and urgency, to illustrate the four ways in which people spend time.\textsuperscript{150} He describes a four-square matrix with the four qualities of important, not important, urgent, and not urgent.\textsuperscript{151} Grid square 1 is the urgent/important square, grid square 2 is important/not urgent, grid square 3 is urgent/not important, and grid square 4 is not important/not urgent.\textsuperscript{152} Urgency is best illustrated by those matters that press upon people and demand some form of action,
such as the telephone ringing.\textsuperscript{153} Many times, urgent matters are unimportant.\textsuperscript{154} Dr. Richard Carlson's \textit{Don't Sweat the Small Stuff . . . and It's All Small Stuff}, has a chapter that exemplifies the effect urgency has on people's lives. He writes, "[w]hen you do too many things at once, it's impossible to be present-moment oriented. Thus, you not only lose out on much of the potential enjoyment of what you are doing, but you also become far less focused and effective."\textsuperscript{155} Importance, on the other hand, is more result oriented.\textsuperscript{156} Activities are important if they contribute to the accomplishment of a mission or goal.\textsuperscript{157} Ultimately, a person wants to operate out of the second grid square, the one characterized by important/not urgent activities.\textsuperscript{158}

Some activities, by their very nature, will automatically fall into a particular grid square.\textsuperscript{159} No amount of planning or preparation will completely curtail some event that is urgent and important, such as a crisis or a particularly pressing problem, from appearing in a person's schedule.\textsuperscript{160} Furthermore, as long as a person operates exclusively out of the first grid square, everything in his or her schedule will involve crisis management.\textsuperscript{161} Naturally, no one can perpetually operate at that kind of pace; doing so would only lead to a life of stress or burnout.\textsuperscript{162} Conversely, those activities that fall into the not important/urgent and the not important/not urgent grid squares are, by definition, not important.\textsuperscript{163} The optimum grid square in which to focus energy is the second square, the important/not urgent activities.\textsuperscript{164} This grid square, called Quadrant II, contains "all [of] those things we know we need to do, but somehow seldom get around to doing."\textsuperscript{165} This includes those activities that, if performed, would make a tremendous positive

\begin{itemize}
\item \textsuperscript{153} \textsc{Stephen R. Covey, The 7 Habits of Highly Effective People} 151.
\item \textsuperscript{154} \textit{Id.}
\item \textsuperscript{155} \textsc{Richard R. Carlson, Don't Sweat the Small Stuff . . . and It's All Small Stuff} 151-52.
\item \textsuperscript{156} \textsc{Stephen R. Covey, The 7 Habits of Highly Effective People} 151.
\item \textsuperscript{157} \textit{Id.}
\item \textsuperscript{158} \textit{Id. at} 153-54.
\item \textsuperscript{159} \textit{Id. at} 152.
\item \textsuperscript{160} \textit{Id. at} 153.
\item \textsuperscript{161} \textsc{Stephen R. Covey, The 7 Habits of Highly Effective People} 153.
\item \textsuperscript{162} \textit{Id.} Covey compares a life in the first grid square (quadrant I) with a pounding surf. \textit{Id.} "A huge problem comes and knocks you down and you're wiped out. You struggle back up only to face another one that knocks you down and slams you to the ground." \textit{Id.}
\item \textsuperscript{163} \textsc{Stephen R. Covey, The 7 Habits of Highly Effective People} 153.
\item \textsuperscript{164} \textit{Id.}
\item \textsuperscript{165} \textit{Id. at} 154.
\end{itemize}
difference in people's lives, such as writing the personal mission statement, exercising, performing preventive maintenance, and engaging in long range planning.\textsuperscript{166} The person who operates from this time management quadrant will find that activities that typically fall into other quadrants, particularly Quadrant I (important/urgent), will be diminished as the amount of time spent handling issues in Quadrant II increases.\textsuperscript{167} The fruits of this labor are vision and perspective, balance, discipline, control, and fewer crises.\textsuperscript{168}

How does Habit 3 apply to the setting of law school? Basically, Covey suggests that recognizing what belongs in Quadrant II and proactively promoting what belongs there is the application of Habit 3.\textsuperscript{169} With this premise in mind, it is easy to see that Habit 3 is particularly appropriate for law students. How many students have to cram for exams every semester? This type of cramming would fall into the first grid square (important/urgent). The importance of doing well on the exam, coupled with the urgency of the pending exam, would generally cause anxiety during the exam period. The question arises, however, why must studying for exams be a Quadrant I activity? The answer to this question is probably because the student did not invest the time during the early months in the course to master the material. In the early months of the semester, studying was not urgent, despite being important. Spending more time in Quadrant II will not only help the student better understand the material, but will also remove anxiety from the student's life by requiring less time to be spent in Quadrant I as the date of the exam draws near.

**PUBLIC VICTORIES: FROM INDEPENDENCE TO INTERDEPENDENCE**

A person must attain effective independence before being able to effectively become interdependent.\textsuperscript{170} To attempt to become interdependent without being independent can only lead to broken

\textsuperscript{166} Id.
\textsuperscript{167} Stephen R. Covey, THE 7 HABITS OF HIGHLY EFFECTIVE PEOPLE 154.
\textsuperscript{168} Id.
\textsuperscript{169} Id. at 156. "Whether you are a student at the university, a worker in an assembly line, a homemaker, fashion designer, or president of a company, I believe that if you were to ask what lies in Quadrant II and cultivate the proactivity to go after it, you would find the same results. Your effectiveness would increase dramatically. Your crises and problems would shrink to manageable proportions because you would be thinking ahead, working on the roots, doing the preventive things that keep situation from developing into crises in the first place." Id.
\textsuperscript{170} Id. at 185.
relationships with others because without independence, people do not have the maturity or the strength of character to maintain those relationships.\textsuperscript{171} "Self mastery and self-discipline are the foundation of good relationships with others."\textsuperscript{172} Control and dominion over self (independence), produces self-respect.\textsuperscript{173} The self-respect flowing from independence, being proactive, centering a person's life on correct principles, organizing and executing that life around those priorities with integrity provides not only the foundation, but also the springboard to building effective relationships with others (interdependence).\textsuperscript{174}

Stephen Covey uses the metaphor of an emotional bank account to demonstrate the strength of a relationship in an interdependent reality.\textsuperscript{175} Simply stated, the emotional bank account is the "amount of trust that's built up in a relationship."\textsuperscript{176} Deposits are made in the emotional bank account through acts such as courtesy, kindness, and keeping promises made to someone else.\textsuperscript{177} By making deposits and building up a reserve, trust towards the depositor increases.\textsuperscript{178} In such trust oriented relationships, communication becomes easier and more effective.\textsuperscript{179} In contrast, discourtesy, disrespect, breaking promises, and other negative responses toward another person represent withdrawals from the emotional bank account and may even cause the account to become overdrawn.\textsuperscript{180} In such an environment, trust is very low and tension is very high.\textsuperscript{181} Effective interdependent relationships are not possible because people do not trust one another.\textsuperscript{182}

Law schools exemplify such low-trust environments. Lawsuits over grades, anxiety over job opportunities and future financial rewards, shortcuts to academic success through the use of study aids, academic envy toward those ranked in the top of the class or toward members of Law Review, class-schedule padding to incorporate "easy" classes, and creative translation of

\textsuperscript{171} Id. "You can't be successful with other people if you haven't paid the price of success yourself." Id.
\textsuperscript{172} Stephen R. Covey, The 7 Habits of Highly Effective People 186.
\textsuperscript{173} Id.
\textsuperscript{174} Id.
\textsuperscript{175} Id.
\textsuperscript{176} Id. at 188.
\textsuperscript{177} Stephen R. Covey, The 7 Habits of Highly Effective People 188.
\textsuperscript{178} Id.
\textsuperscript{179} Id.
\textsuperscript{180} Id.
\textsuperscript{181} Id.
\textsuperscript{182} Stephen R. Covey, The 7 Habits of Highly Effective People 188.
accomplishments on resumes are examples of common activities that result in such low trust environments. Law studies have become an exercise in self-promotion. The above-mentioned list illustrates how easy it is to find shortcuts and how low the level of trust is. The proper way to build a high-trust environment is for the members to become effectively independent through mastering Habits 1, 2, and 3, before attempting interdependence.

PUBLIC VICTORIES: HABIT 4 - THINK WIN/WIN

Habit 4, "Think Win/Win," is not so much a habit as it is a "total philosophy of human interaction." It is one of six paradigms that exist when people interact with one another. To think win/win, a person's mind set must naturally and continually seek mutual benefit in interactions with others. In other words, agreements and solutions satisfy and benefit both parties. The win/win paradigm approaches situations with a cooperative outlook, not a competitive one.

The strength of the win/win paradigm is best illustrated with a comparison to another paradigm, win/lose. The basic premise behind win/lose is one person wins while the other loses. People operate from this paradigm whenever there is an authoritarian leader. That leader gets his or her way at the expense of those under that leader's influence. Win/lose is also reinforced in academics with such models as the "normal distribution curve" and other grading patterns that determine a person's grades through comparison with others, as opposed to measuring the individual's

183. Id. at 206.
184. Id. The other five paradigms are: Win/Lose, Lose/Win, Lose/Lose, Win, and Win/Win or No Deal. Id.
185. Id. at 207.
186. Id.
187. COVEY, THE 7 HABITS OF HIGHLY EFFECTIVE PEOPLE 207. "Win/Win is a belief in the Third Alternative. It's not your way or my way; it's a better way, a higher way." Id.
188. Id. Covey believes that the win/lose mentality is developing in people at a very early age. Id. With the family the being first and most important influence on a person, comparing one child to another, and the attention and understanding flowing to the child on the basis of such a comparison teaches a child the win/lose paradigm. Id. The child learns that he/she does not have intrinsic value, but the child's value is based on comparison to another. Id. This paradigm is even more powerfully scripted with what Covey considers the second most influential force on a person, the peer group. Id. at 207-08. While children seek acceptance from their peers, those peers can often be insensitive in acceptance and rejection of other children. Id. at 208. Such acceptance can be based totally on such factors as conformity with expectations of others. Id.
189. Id.
190. Id.
particular potential.\textsuperscript{191}

Is win/lose ever appropriate? Covey explains that the times to think win/win and win/lose depends upon the circumstances.\textsuperscript{192} However, in interdependent situations, when cooperation is needed to attain results, a win/lose approach opposes such cooperation.\textsuperscript{193} Choice of the paradigm (win/win versus win/lose or any of the other paradigms) depends upon the situation, but implicit in that choice is a necessity to accurately evaluate the situation and not to superimpose win/lose all the time.\textsuperscript{194}

Stephen Covey defines three qualities that comprise an individual's win/win character: integrity, maturity, and an abundance mentality.\textsuperscript{195} Integrity in this particular sense is no different than it was in Habit 3—a sense of value that people place in themselves.\textsuperscript{196} Balancing courage and consideration represents maturity.\textsuperscript{197} Without courage, the person subordinates his/her own values which is likely to result in a lose/win situation in which that person loses.\textsuperscript{198} Without consideration, the person pursues his or her own agenda without regard for the other person which is likely to result in a win/lose situation in which the other person loses.\textsuperscript{199} It is only by balancing a high degree of courage and consideration that a person can maintain a sense of what is important while recognizing the values of the other.\textsuperscript{200} Abundance mentality is the third character trait that Stephen Covey deems necessary for a person to be able to think win/win.\textsuperscript{201} An abundance mentality is an

\textsuperscript{191} Id. "The academic world reinforces Win/Lose scripting. The 'normal distribution curve' basically says that you got an "A" because someone else got a "C." It interprets an individual's value by comparing him or her to everyone else. No recognition is given to intrinsic value; everyone is extrinsically defined. . . . [P]eople are not graded against their potential or against the full use of their present capacity. They are graded in relation to other people. And grades are carriers of social value; they open doors of opportunity or they close them. Competition, not cooperation, lies at the core of the educational process. Cooperation, in fact, is usually associated with cheating." Id. at 208.

\textsuperscript{192} Id. at 211.

\textsuperscript{193} Id. at 209.

\textsuperscript{194} Id. at 211.

\textsuperscript{195} Id. at 217.

\textsuperscript{196} Supra, note 147. Habits 1, 2, and 3 clearly identify values and organize a person's priorities around values. \textit{Stephen R. Covey, The 7 Habits of Highly Effective People} 217. Through the exercise of independent will to effectuate those values, integrity is strengthened. Id. It is that integrity which defines the 'win' in a win/win relationship. Id. A win is whatever is in harmony with achieving those values. Id.

\textsuperscript{197} Id.

\textsuperscript{198} Id. at 218.

\textsuperscript{199} Id.

\textsuperscript{200} Id.

\textsuperscript{201} \textit{Stephen R. Covey, The 7 Habits of Highly Effective People} 219.
attitude that there is enough out there for everybody.\textsuperscript{202} The opposite of an abundance mentality is a scarcity mentality.\textsuperscript{203} A person with a scarcity mentality outlook sees the world as if it was a single pie.\textsuperscript{204} If one person receives a big piece of the pie, there will be less for everyone else.\textsuperscript{205} A scarcity mentality makes it difficult for a person to be genuinely happy for others' accomplishments.\textsuperscript{206} Even those who outwardly express happiness are likely to be "eating their hearts out."\textsuperscript{207} When someone's sense of worth is derived from comparisons with others, the success of another implies failure on by everyone else.\textsuperscript{208} To have an inner sense of self-worth and security would enable a person to have an abundance mentality.\textsuperscript{209} When one appreciates the concept that there is enough out there for everyone, new possibilities open in relationships with others and win/win becomes possible.\textsuperscript{210}

In law school, how is a win/win attitude possible? The subject material is of such a nature that straightforward objective testing is not really possible. How can an objective test measure a person's ability to think like a lawyer? Therefore, grading curves become necessary, despite the fact that grading curves, by Covey's own analysis, are win/lose. One option is to make the grading curve pass/fail. Of course, this does not help employers, or even the school for that matter, discern who should be eligible for interviews or class honors. This problem should not be considered in a vacuum. Just as Covey constructs the seven habits so that one builds upon another, people looking for interdependence (via win/win) must actually attain independence first. That independence will enable individuals who are members of the group to be prepared to find a win/win solution.

\textsuperscript{202} \textit{Id.}
\textsuperscript{203} \textit{Id.}
\textsuperscript{204} \textit{Id.}
\textsuperscript{205} \textit{Id.}
\textsuperscript{206} STEPHEN R. COVEY, THE 7 HABITS OF HIGHLY EFFECTIVE PEOPLE 219.
\textsuperscript{207} \textit{Id.}
\textsuperscript{208} \textit{Id.} "Often, people with a Scarcity Mentality harbor secret hopes that others might suffer misfortune—not terrible misfortune, but acceptable misfortune that would keep them 'in their place.' They're always comparing, comparing, always competing. They give their energies to possessing things or other people in order to increase their sense of worth." \textit{Id.} at 219-20.
\textsuperscript{209} \textit{Id.}
\textsuperscript{210} \textit{Id.}
PUBLIC VICTORIES: HABIT 5 - SEEK FIRST TO UNDERSTAND, THEN BE UNDERSTOOD

Suppose you've been having trouble with your eyes and you decide to go to an optometrist for help. After briefly listening to your complaint, he takes off his glasses and hands them to you.

"Put these on," he says. "I've worn this pair of glasses for ten years now and they've really helped me. I have an extra pair at home; you can wear these."

So you put them on, but it only makes the problem worse.

"This is terrible," you exclaim. "I can't see a thing!"

"Well, what's wrong?" he asks. "They work great for me. Try harder."

"I am trying," you insist. "Everything is a blur."

"Well, what's the matter with you? Think positively."

"Okay. I positively can't see a thing."

"Boy, are you ungrateful!" he chides. "And after all I've done to help you!"

What are the chances you'd go back to that optometrist the next time you needed help? Not very good, I would imagine. You don't have much confidence in someone who doesn't diagnose before he or she prescribes.211

This is the parable, Stephen Covey uses to introduce his readers to Habit 5: seek first to understand, then be understood. One of the problems that people have in successfully implementing Habit 4 is that they experience a sense of rushing into a situation and fixing things with good advice.212 By rushing in, however, people do not take the time to diagnose the real problem, to deeply understand the situation.213 Listening is one of the four basic forms of

211. STEPHEN R. COVEY, THE 7 HABITS OF HIGHLY EFFECTIVE PEOPLE 236.
212. Id. at 237.
213. Id.
Unlike the other three forms, speaking, reading, and writing, people do not receive much instruction or training on listening.215 Until a person is able to truly understand another, what the first person offers by way of advice may be valuable, but it will not exactly be pertinent.216

The first part of Habit 5, “seek first to understand,” is a paradigm shift.217 People usually seek to be understood before they seek to understand.218 People constantly project their own experiences, their own home movies, onto the lives of other people.219 To use the above illustration, people prescribe their own glasses for others.220 Seeking first to understand is the practice of empathetic listening—listening with the intent to understand.221 Empathetic listening requires more than registering and understanding the words being spoken, it includes listening with heart and listening for feeling.222 Empathetic listening gives a person accurate data because he or she is not working from an autobiography, but is working from the speaker’s frame of reference.223 To listen empathetically is to make a deposit in an emotional bank account.224 Empathetic listening gives a person “psychological air”, room to express himself or herself without the effort of having to try to be understood by the listener.225 Once the listener has extended understanding to the speaker, the speaker is able to open up and reveal the real problem.226 A Personality Ethic technique cannot serve as a substitute for true empathetic listening.227 If a technique were used to induce the speaker to reveal the problem, the speaker would likely sense manipulation and duplicity.228 Once a speaker senses such duplicity, the speaker becomes guarded.

214. Id.
215. Id. at 238. Few people have had “training” in listening at all, and the type of training that people do receive is likely to have been a Personality Ethic technique. Id.
216. Stephen R. Covey, The 7 Habits of Highly Effective People 238.
217. Id. at 239.
218. Id. Furthermore, people do not usually have the intent to understand while listening to another person, instead the listener has the intent to reply. Id. In other words, people are either speaking, or preparing to speak. Id.
219. Id.
220. Id.
221. Stephen R. Covey, The 7 Habits of Highly Effective People 240
222. Id. at 240-41.
223. Id.
224. Id.
225. Id.
226. Stephen R. Covey, The 7 Habits of Highly Effective People 241.
227. Id. at 238.
228. Id.
because the other person's actual motives are unknown.229 A person's nature radiates from the manner in which he or she lives life.230 To avoid radiating manipulation and duplicity, a person should center his or her life on the principles and foundations of Habits 1, 2, and 3.231

The second half of Habit 5, "then be understood," takes the same courage that was required for Habit 4 (in the balance of courage and consideration).222 Once a person has understood the position of another, that person can present ideas more clearly and contextually, and by doing so, add credibility to those ideas.233 "Habit 5 lifts you to greater accuracy, greater integrity, in your presentations. And people know that. They know you're presenting ideas the ideas which you genuinely believe, taking all known facts and perceptions into consideration, that will benefit everyone."234

Habit 5 embodies a professional skill that good lawyers actually use in case preparation.235 "Diagnosing before you prescribe is also fundamental to law. The professional lawyer first gathers the facts to understand the situation, to understand the laws and precedents, before preparing a case. A good lawyer almost writes the opposing attorney's case before he writes his own."236 As important as it has become in practice, law students do not utilize the same systematic approach while still in school. The paradigm shift does not occur until the student is admitted to the bar and becomes an attorney. The timing of the shift begs this question, why does the shift occur once an attorney begins to practice? In Covey's own words, it is a "good" lawyer that writes an opponent's case before writing his own.237 The shift occurs in practice as a survival technique. Not anticipating opposing counsel's strengths and weaknesses increases an attorney's chances of losing. Proper preparation includes knowing (or at least anticipating) the other side's strategy and argument, which helps the attorney focus on matters in dispute. It is easy to see that a lawyer who does not prepare this way would not be categorized as a "good" lawyer. The strength of Habit 5, like all of the Habits, lies not in selective application to a particular

229. Id.
230. Id.
231. Stephen R. Covey, The 7 Habits of Highly Effective People 238.
232. Id. see also note 204, infra.
233. Id. at 257.
234. Id.
235. Id. at 244.
236. Stephen R. Covey, The 7 Habits of Highly Effective People 244.
237. Id.
endeavor, but in using the principles in all aspects of life. Only then can a person lead an effective life, in which priorities and principles are in balance, and maintain a sense of inner worth and integrity. Although the existence of Habit 5 in the law is best qualified as a survival instinct of practicing attorneys, long term survival suggests that it should be adopted much sooner in the person's life, before bad habits inflict damage. This idea is further explored in Habit 7.

**PUBLIC VICTORIES: HABIT 6 - SYNERGIZE**

Synergy is the idea that the whole is greater than the sum of the parts; *i.e.*, that one plus one equals something more than two.\(^{238}\) It is the use of creativity to produce something that did not exist before.\(^{239}\) The creativity comes from within, and is used to find new alternatives, not compromises.\(^{240}\) Compromises do not rise to the level of synergy.\(^{241}\) Mathematically, compromises are the equivalent of one plus one equals one and a half because neither party gains the entire benefit of the other; both parties gain and lose something in the process.\(^{242}\) To create synergy, trust and cooperation between the parties must be high.\(^{243}\) Trust needs to be high in order for both parties to abandon defensive postures.\(^{244}\) Cooperation is necessary in order for parties to be aware of the differences of opinion.\(^{245}\)

People must value their mental, emotional, and psychological differences if they are to achieve synergy.\(^{246}\) We should see the differences between people for what they are—differences in the way those people perceive the world.\(^{247}\) By valuing the difference in someone else's views, a person not only recognizes his or her own perceptual limitations, but also appreciates what the other person

\(^{238}\) Id. at 263.

\(^{239}\) Id. at 262.

\(^{240}\) Id.

\(^{241}\) Stephen R. Covey, The 7 Habits of Highly Effective People 271.

\(^{242}\) Id.

\(^{243}\) Id. When trust and cooperation are both low, the situation becomes defensive. Id. at 270. Communication which takes place at this level only results in Win/Lose or Lose/Lose. Id. When trust and cooperation have both reached a mid level, respectful communication is likely to take place. Id. at 271. The communication is polite, but it is not empathetic, therefore the underlying concerns of the other party are never fully explored or appreciated. Id. This sort of environment can lead to compromise, but nothing more. Id.

\(^{244}\) Id. at 278.

\(^{245}\) Id.

\(^{246}\) Stephen R. Covey, The 7 Habits of Highly Effective People 277.

\(^{247}\) Id.
is able to offer the situation.\textsuperscript{248} By doing so, a person adds to his or her own knowledge and understanding of the situation and this makes the creative process possible.\textsuperscript{249}

The above example also demonstrates the application of Habit 6 to the law school environment. To simply recognize that an alternative may exist whereby both parties can have their needs met and avoid a legal battle is a powerful and attractive option. However, just like the other habits, synergy cannot be accomplished in a vacuum. Not only does it require the motives of Habit 4 (Win/Win) and the skills of Habit 5 (empathetic listening), it requires the sense of independence acquired through Habits 1-3. Stephen Covey himself recognizes that not every legal dispute can be remedied with synergy, but he believes that a court battle should be the last resort, not the first option.\textsuperscript{250} The threat of litigation can sometimes cause a person to fall into the paradigm of legal defensiveness, in which all communication becomes guarded and selective, and trust has all but disappeared.\textsuperscript{251} Synergy is nearly impossible in such an environment.\textsuperscript{252}

\textbf{RENEWAL: HABIT 7 - SHARPEN THE SAW}

Suppose you were to come upon someone in the woods working feverishly to saw down a tree.

"What are you doing?" you ask.

"Can't you see?" comes the impatient reply. "I'm sawing down this tree."

"You look exhausted!" you exclaim. "How long have you been at it?"

"Over five hours," he returns, "and I'm beat! This is hard work."

"Well, why don't you take a break for a few minutes and sharpen the saw?" you inquire. "I'm sure it would go a lot

\textsuperscript{248} \textit{Id.}
\textsuperscript{249} \textit{Id.}
\textsuperscript{250} \textit{Id.} at 283.
\textsuperscript{251} \textit{STEPHEN R. COVEY, THE 7 HABITS OF HIGHLY EFFECTIVE PEOPLE} 283.
\textsuperscript{252} \textit{Id.}
faster."

"I don't have time to sharpen the saw," the man says emphatically. "I'm too busy sawing!"253

Habit 7 is personal preventive maintenance, taking time to sharpen the saw.254 Each person has four dimensions: physical, mental, spiritual, and social/emotional.255 All four dimensions must be exercised on a regular basis or the application of the other six Habits is impossible.256 Sharpening the saw is a Quadrant II activity, one must set aside to do it because it is not urgent.257 The four dimensions must be exercised in order for the saw to be sharpened.258

The physical dimension includes exercise, a proper diet, and proper rest.259 Exercise is a Habit 1 activity.260 It requires proactivity to overcome those forces in a person's life that provide excuses for not exercising.261 However, once Habit 1 is put into use, and a person becomes "response-able" by choosing to ignore those forces, a paradigm shift occurs that increases a person's sense of value in himself or herself.262

The spiritual dimension is an exercise in Habit 2.263 Exercising the spiritual dimension is a recommitment to a value system.264 "The idea is that when we take time to draw on the leadership center of our lives, what life is ultimately all about, it spreads like an umbrella over everything else. It renews us, it refreshes us, particularly if we recommit to it."265 The personal mission statement is important to spiritual renewal because it identifies a person's center and purpose.266

Exercising the mental dimension includes "mentally healthy"
activities like reading high quality literature, writing letters or a
journal, or organizing and planning some part of life. The mental
dimension is an exercise in Habit 3 because it requires a person to
put first things first. Distractions can be found practically
everywhere in the world today, with many of them amounting to
complete wastes of time. Television is a good example of such a
distraction. If allowed to do so, television will not only consume
a tremendous amount of time, which can be used in other more
useful ways, but it will also act as a negative influence. The
effective management practices of Habit 3 provide the solution for
avoiding such a waste.

The social/emotional dimension is an exercise in Habits 4, 5, and
6. The social/emotional dimension does not require special time
to be set aside, like exercising or reading do. It can take place
through normal, everyday interaction with other people. Exercise
of this dimension starts with Habit 4, dealing with people by
thinking Win/Win, then uses Habit 5 to practice empathetic
communication, trying to first understand the other person before
being understood, and finally uses synergy (Habit 6) to arrive at a
solution that produces greater dividends for both parties. The
first three habits, those of Private Victory, continue to be important
with this dimension. Habits 4, 5, and 6 are only effective when a
person has a strong sense of personal security. Personal security
comes from within and gives a person the strength to practice
Public Victory (Habits 4, 5, and 6.)

CONCLUSION

Success in law school is not everything. Success in any academic
institution should never be confused with accomplishments away
from the sheltered world of academia. What difference does it

267. Id. at 296.
268. Id. at 295.
269. Id.
270. STEPHEN R. COVEY, THE 7 HABITS OF HIGHLY EFFECTIVE PEOPLE 295.
271. Id.
272. Id.
273. Id. at 297.
274. Id.
275. STEPHEN R. COVEY, THE 7 HABITS OF HIGHLY EFFECTIVE PEOPLE 297.
276. Id.
277. Id. at 298.
278. Id.
279. Id.
make to delineate the academic world from the "working" world? In a very practical sense, aside from parents and the person conducting the entry-level job interview, no one is concerned about accomplishments in law school. In a personal sense, ambition and accomplishments in school are much closer to self-promotion than to the act of representing others that is required as a lawyer.

The United States military uses a term called "preventive maintenance"("PM"). Preventive maintenance is the regularly scheduled routine maintenance checks done on equipment, particularly motor vehicles. Every vehicle is checked as part of weekly "PM," regardless of whether the vehicle has any problem. As a matter of fact, most of the vehicles that undergo PM's do not have problems. However, undetected problems are often discovered. Even those mechanisms that do not have problems are attended to, such as fluid levels and belt checks. This process accomplishes two missions: 1) it reveals latent problems and corrects them; and 2) it recognizes that although no problem may exist at the time, it is always a good practice to maintain a high level of equipment "health" because the future is unknown and it is best to prepare for any possible mission. The seven habits are personal preventive maintenance. They accomplish the same two missions.

What is the best application of the seven habits for law students? The following is only a list of suggested uses. The suggestions that follow are only possibilities, and are not intended to be exhaustive.

1. **Incorporate the Seven Habits During Orientation.**

Students entering law school are generally told such maxims as "the law is a jealous mistress." Although this alludes to the level of commitment required to be a lawyer, it does not equip the student to explore whether the study of law is something he or she wants to do. By introducing the legal concepts before the curriculum begins, a student can explore his or her personal motivations for wanting to attend. Although the financial benefit of being a lawyer may be attractive to a student after receiving a bachelor's degree, having an economic center as opposed to a principal center will cause the student to begin the new career off-balance.

2. **Incorporate the Seven Habits into the Second or Third Year Curriculum.**

Once students have proven that they "have what it takes" to be a lawyer, presumably by successfully completing the first year
curriculum, the next approach is to answer the question, what do you want to do as a lawyer? After the first year, the student is better equipped to discern his or her interests (such as litigation versus probate law) and that point may be an appropriate time to examine the individual student and the profession as a whole. Exploration by the individual student means implementing the first three Habits. The Private Victory that comes with Habits 1, 2, and 3 should help students take control of their own lives. Recognizing what is important, appreciating the fact that a person can choose his or her own response to outside forces, and effectively organizing life around priorities, moves the student away from a state of dependence to a state of independence. Along those same lines, exploration of the profession as a whole is the application of Habits 4, 5, and 6. Being a lawyer is being a part of an interdependent community. Interpersonal leadership skills (such as thinking Win/Win), empathetic communication, and synergy will not only reap rewards for clients, but will also benefit the lawyer by keeping his or her proverbial saw sharpened.

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