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# Work Drive Matters: An Assessment of the Relationship Between Law Students' Work-Related Preferences and Academic Performance

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**WORK DRIVE MATTERS: AN ASSESSMENT OF THE  
RELATIONSHIP BETWEEN LAW STUDENTS' WORK-  
RELATED PREFERENCES AND ACADEMIC  
PERFORMANCE**

Jeffrey J. Minneti<sup>†</sup>

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I. INTRODUCTION

I have been fortunate to work with a number of law students who have substantially outperformed traditional predictors of academic success and bar passage, including the students' scores on the Law School Admissions Test (LSAT) and their undergraduate grade point averages (UGPA). Over the years, I became convinced that there are attributes among students that were simply not captured by the LSAT and UGPA, but have affected their academic performance. Anecdotally, I observed that students who had held full-time jobs prior to law school and who approached law school as though it was a continuation of that full-time employment tended to perform well in law school, regardless of their LSAT and UGPA. That led me to explore the concept of work ethic and the extent to which the ethic could explain or

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predict students' academic performance. I found that over the last fifty years, work ethic has become more refined and closely studied in the context of employment and primary through tertiary education. No assessment, however, has been done of law students' work-related preferences and the extent to which those preferences are related to their academic performance.<sup>1</sup>

Karol Schmidt administered the Learning and Studies Strategy Inventory (LASSI), which assessed aspects of law student motivation such as "diligence, self-discipline, and willingness to exert the effort necessary to successfully complete academic requirements."<sup>2</sup> Schmidt found that higher-performing students reported greater strengths in selecting main ideas and implementing test strategies.<sup>3</sup> In a study of law students' legal writing performance, Anne Enquist found that law students who earned high grades in legal writing engaged in a cluster of common specific behaviors and that other behaviors were negatively correlated with high academic performance, such as procrastination and scapegoating.<sup>4</sup>

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1. See Karol Schmidt, *Learning from the Learners: What High-Performing Law Students Teach Us About Academic Success Programming*, 4 PHX. L. REV. 287, 300, 304, 308 (2010) (noting that motivation does not appear to be correlated to academic success in law school but rather, higher-performing students tended to "more readily decipher the important from the unimportant in their reading," and spend more time outlining and condensing their outlines).

2. *Id.* at 299. Other studies have looked at study habits and methods relating to academic success. See Patricia W. Hatamyar & Todd P. Sullivan, *Active Learning and Law School Performance*, 3 J. MULTIDISCIPLINARY RES. 67, 73 (2011) (noting a positive and predictive relationship participation and grades); Keith A. Kaufman et al., *Passing the Bar Exam: Psychological, Educational, and Demographic Predictors of Success*, 57 J. LEGAL EDUC. 205, 218 (2007) (explaining that preparing for the bar exam, the number of practice tests a graduate completes is positively correlated to first-time bar passage); Cassandra L. Hill, *The Elephant in the Law School Assessment Room: The Role of Student Responsibility and Motivating our Students to Learn*, 56 HOW. L.J. 447, 451 (2013) (arguing that law schools must more "effectively assess students' responsibility for, and contributions to, their own learning").

3. Schmidt, *supra* note 1, at 308.

4. Anne M. Enquist, *Unlocking the Secrets of Highly Successful Legal Writing Students*, 82 SAINT JOHN'S L. REV. 609, 669-73 (2008) (identifying seven behaviors common among students who earned high grades in their legal research and writing course: (1) taking extensive notes on reading outside of class, casting the notes in their own words, and frequently referring back to the notes; (2) spending more time engaged in writing, "more than half of it revising, editing, and proofreading"; (3) employing efficient research and reading skills; (4) effectively managing time by starting a project when assigned and pacing themselves throughout the project; (5) developing effective information organization

This article provides an assessment of law students' work-related preferences and reveals a positive correlation with their grade point averages, and when regressed with LSAT and UGPA, students' work-related preferences provide a powerful predictor of academic success.<sup>5</sup> During spring 2014, 215 law students responded to a survey that included questions from the Multidimensional Work Ethic Profile (MWEP) and Work Drive Inventory.<sup>6</sup> Analysis of the responses indicated that while the students' LSAT and UGPA explained 18% of their law school grade point average at thirty hours (LGPA),<sup>7</sup> the students' Work Drive, LSAT and UGPA explained 28% of the students' thirty hour LGPA.

Following this introduction, this article summarizes the evolution of the work-ethic construct, tracing its development from Max Weber's work through that of Michael Miller's creation of the MWEP.<sup>8</sup> Next, this article describes research findings regarding undergraduates' work-related preferences and the impact of those preferences on the students' academic performance.<sup>9</sup> The next section of this article describes the current study, providing the study method and results.<sup>10</sup> This section also discusses John Lounsbury's development of the Work Drive Inventory.<sup>11</sup> The last section of the article discusses the results from the current study

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strategies; (6) utilizing the course professor as a resource; and (7) engaging in out-of-class conversations with their peers about their writing projects; and negatively correlated behaviors, including: (1) procrastination; (2) inability to overcome distractions, such as a low grade on an assignment, illness, and travel; and (3) scapegoating—blaming academic performance on elements other than themselves).

5. See *infra* Part III (noting that Work Drive, High LSAT, and UGPA explain 26.99% of the variance in students' 30 Hour Law School Grade Point Averages).

6. Michael J. Miller et al., *The Meaning and Measurement of Work Ethic: Construction and Initial Validation of a Multidimensional Inventory*, 60 J. VOCATIONAL BEHAV. 451, 452 (2002) (introducing the MWEP); John W. Lounsbury et al., *The Development and Validation of a Personological Measure of Work Drive*, 18 J. BUS. & PSYCHOL. 427, 428–429 (2004) (introducing the Work Drive inventory).

7. Students' LGPA at thirty hours was chosen because thirty hours approximately represents students' completion of the first-year required curriculum.

8. See *infra* Part II.

9. See *infra* Part III.

10. See *infra* Part IV.

11. See *infra* Part IV.

and suggests how these results may enhance the academic performance of law students.<sup>12</sup>

## II. ORIGINS OF WORK-RELATED PREFERENCES

Work-related preferences are amorphous.<sup>13</sup> Thus, a starting point for any research on the topic must be to define the construct with as much precision as possible.<sup>14</sup> Constructs such as work ethic and work drive reflect scholars' efforts to define individuals' attitudes and preferences around work.<sup>15</sup> Early efforts focused on individuals' employment-related preferences and sought to explain why individuals held the preferences, whether the preferences varied across generations and cultures, and whether the preferences were related to performance. In recent years, the research has turned its attention to students' preferences around schoolwork, seeking whether students' held specific preferences about their schoolwork, whether those preferences varied across generations and cultures, and whether the preferences could explain and predict academic performance.

This section summarizes scholars' efforts to identify individuals' attitudes and preferences associated with work, explain their origins, and distinguish them from other attitudes and preferences. As scholars' research turned to students' schoolwork preferences, this section summarizes the attitudes, preferences, and behaviors that scholars identified as schoolwork related, explains the instruments that scholars developed to assess students' preferences, and discusses the results of their research findings.

The term "ethic" denotes a value system that arises from an individual's thoughts regarding the rightness and wrongfulness of conduct.<sup>16</sup> Work ethic is a value system that describes an

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12. See *infra* Part V.

13. See Virgil O. Smith & Yvonne S. Smith, *Bias, History, and the Protestant Work Ethic*, 17 J. MGMT. HIST. 282, 282 (2011) (arguing that the protestant work ethic construct has become distorted among management disciplines because the disciplines have held inaccurate assumptions about the construct).

14. See Rogene A. Buchholz, *The Work Ethic Reconsidered*, 31 INDUS. & LAB. REL. REV. 450, 452–58 (1978) (noting the concept of work is subject to interpretation, the work-ethic belief system is "highly individualistic," and the individualism at the heart of work ethic may have become "anachronistic").

15. *Id.* at 451–52.

16. See DICTIONARY.COM, <http://dictionary.reference.com/browse/ethic?s=t> (last visited Jan. 30, 2016) (defining ethic as "a complex of moral precepts held or

individual's thoughts regarding the rightness and wrongfulness of the nature of work and the role that work plays in the individual's life.

The work-ethic construct traces its roots to the post-Reformation era, when reformers contested social welfare and stressed individualism.<sup>17</sup> The reformers argued that each person, regardless of his or her access to economic resources, had a duty to assume responsibility for his or her livelihood.<sup>18</sup> Diligent work was the solution to life's problems.<sup>19</sup>

Our contemporary understanding of work ethic arises from Max Weber's discussion of the relationship between the "protestant ethic" and the "spirit of capitalism."<sup>20</sup> Weber provided insight into the concept of work ethic, noting that the concept is rooted in Protestant religious tradition and the spirit of capitalism and it has evolved with them.<sup>21</sup>

Weber wrote that the early Protestant Church preached a sense of calling, stating that "the fulfillment of worldly duties is under all circumstances the only way to live acceptably to God."<sup>22</sup> Implicit in the concept of a calling was the religious sanction of labor.<sup>23</sup> The church taught that the capacity for fruitful labor arose from a divinely ordained power within the individual.<sup>24</sup> Moreover, church teachings indicated that fruitful work was evidence of an individual's faith and understanding of grace.<sup>25</sup> The church emphasized that the expression of fruitful labor did not "fix" salvation, but it was an indispensable sign of salvation.<sup>26</sup> Thus, for an individual to work in such a way as to yield much gain was to demonstrate God's power at work within the individual.<sup>27</sup>

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rules of conduct followed by an individual").

17. Miller et al., *supra* note 6 at 452.

18. *Id.*

19. *Id.*

20. MAX WEBER, *THE PROTESTANT ETHIC AND THE SPIRIT OF CAPITALISM* (Talcott Parsons trans., Charles Scribner's Sons 1958) (1905).

21. *Id.* at 51, 80–81.

22. *Id.* at 81.

23. *Id.* at 83.

24. *Id.* at 114–15.

25. *Id.* at 115.

26. *Id.*

27. *Id.* *But see* Smith & Smith, *supra* note 13, at 289–93 (arguing that Weber's characterization of protestant thought regarding work is not accurate in contrasting Martin Luther and John Calvin, disputing Weber's reliance on

The emphasis on fruitful labor created a conundrum: the church expected individuals to be effective and fruitful in their work, which often meant that they experienced material gains from their efforts; however, the church also preached a culture of asceticism and austerity.<sup>28</sup> Protestants could have their cake, and perhaps even eat a bite of it, but they could not actually enjoy it. “But as riches increase, so will pride, anger, and love of the world in all its branches.”<sup>29</sup> The church expected individuals to lead lives of piety and obedience, shunning leisure and enjoyment.<sup>30</sup> Moral condemnation arose when church members engaged in social behavior, idle talk, and the enjoyment of luxury.<sup>31</sup>

Weber also wrote that the “spirit” of capitalism contributed to our understanding of work ethic.<sup>32</sup> Specifically, capitalism invoked a duty on individuals to increase their capital.<sup>33</sup> An individual’s engagement in making money was not rooted in the happiness, pleasure, or self-gratification that came from the money he or she made.<sup>34</sup> Instead, making money was an end in and of itself.<sup>35</sup> Capitalism requires that the individual choose the making of money over self-gratification; engaging in self-denial and self-mortification, to the extent doing so makes the individual more money.<sup>36</sup> The individual perceived no benefit from the social recognition or status that sometimes accompanies making money.<sup>37</sup> Thus, the individual was not ostentatious, avoided unnecessary expenses, and was likely embarrassed by any attention or recognition that his increased wealth provided him.<sup>38</sup> The individual received no benefit from the accumulation of wealth,

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Luther’s and Calvin’s writings for Weber’s conclusion that the reformers believed that fruitful work is an “indispensable sign of election,” and cautioning that such mischaracterizations can lead to bias that can distort researchers’ efforts and contaminate the inferences that readers draw from their findings).

28. WEBER, *supra* note 20, at 175.

29. *Id.*

30. *Id.* at 177.

31. *Id.* at 170–71.

32. *Id.* at 47.

33. *Id.* at 51.

34. *Id.* at 53.

35. *Id.*

36. *Id.* at 71.

37. *Id.*

38. *Id.*

other than the satisfaction of knowing that the individual has fulfilled his duty well.<sup>39</sup>

Attributes such as honesty, punctuality, and industry were valuable only to the extent that they yielded an increase in money.<sup>40</sup> Thus, there was a point of diminishing returns on these attributes, which was not to be exceeded.<sup>41</sup>

And so Protestantism and capitalism held similar tenants: fruitful labor was highly regarded, but so too was asceticism and austerity.<sup>42</sup> Weber's text sought to address the relationship between Protestantism and capitalism, asking whether capitalism arose from Protestantism and the extent to which the two are connected.<sup>43</sup> His answer was that while the protestant ethic may have at one time informed the capitalist's spirit, the two are no longer intrinsically related.<sup>44</sup> Capitalism has taken on a life of its own, operating freely from the protestant ethic.<sup>45</sup>

In the decades that followed Weber's text, writers continued to consider whether and to what extent capitalism is rooted in or infused with a protestant ethic. Investigations centered upon the extent to which an individual subscribed to Protestant beliefs and whether other Christian religious traditions, such as Catholicism, may have contributed to capitalism.<sup>46</sup>

In 1976, a study examined the relationship between "ascetic innerworldliness[sic]" and capitalism.<sup>47</sup> The authors administered a survey to 182 students in an Introduction to Sociology course, designed to gauge the respondents' perceptions of ascetic innerworldliness and capitalism.<sup>48</sup> The authors' definition of ascetic innerworldliness sanitized religious experience from the conversation, focusing instead on the extent to which an individual intentionally and deliberately deprived himself in favor of the duties the individual owed to his family, civic organizations, and the

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39. *Id.*

40. *Id.* at 52.

41. *Id.*

42. *Id.* at 180.

43. *Id.* at 180–81.

44. *Id.*

45. *Id.* at 182.

46. Phillip E. Hammond & Kirk R. Williams, *The Protestant Ethic Thesis: A Social—Psychological Assessment*, 54 SOCIAL FORCES 579, 580 (1976).

47. *Id.* at 579.

48. *Id.* at 585.



capitalist economy.<sup>49</sup> Items designed to assess an individual's ascetic innerworldliness included the following:

- “Trying to escape from worldly affairs and obligations is irresponsible.”
- “The world is full of a lot of problems, but things aren't going to get any better unless we all work hard to solve them.”
- “People should carefully plan, and then regulate their behavior according to the results.”
- “Being productive and making constant effort in a chosen field are the most important qualities in life.”<sup>50</sup>

Items designed to gauge individuals' thoughts regarding capitalism included the following:

- “Time should not be wasted; it should be used efficiently.”
- “Even if I were financially able to do so, I still wouldn't stop pursuing my occupation, whatever it might be at the time.”
- “Hard work is a good builder of character.”
- “A person without debts who inherits \$5,000 should invest it for the future rather than spend it.”
- “Regardless of what a person does, the most important issue is how successful he or she is in doing it.”
- “People should be responsible for themselves in retirement and not be dependent on government agencies like social security.”<sup>51</sup>

Analysis of the responses revealed that ascetic innerworldliness accounts for just less than a third of the spirit of capitalism, meaning that the two concepts are quite discrete.<sup>52</sup> The authors inferred from their data that the more integrated an individual is in mainstream American culture, the weaker the relationship between ascetic innerworldliness and the spirit of capitalism, essentially confirming Max Weber's work.<sup>53</sup> The authors' work also revealed, however, that to the extent an individual does not perceive himself to be integrated into the American mainstream, the relationship between ascetic innerworldliness and the spirit of capitalism are stronger.<sup>54</sup> Thus, for example, an immigrant who is

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49. *Id.* at 581.

50. *Id.* at 583.

51. *Id.* at 584.

52. Hammond & Williams, *supra* note 46, at 585.

53. *Id.* at 585–86.

54. *Id.* at 588.

new to the United States would likely closely associate his ascetic innerworldliness with his appreciation for capitalism.

A substantial benefit arising from Max Weber's scholarship and those who have responded to his thesis is that the concept of work ethic has become more refined. Whether one's value system associated with labor is derived from religious experience, ascetic innerworldliness, or capitalism, we now have a clearer set of criteria to assess that value system and to study its relationship to other value systems and performance indicators.

For example, Adrian Furnham and Eva Koritsas considered whether there was a relationship between an individual's protestant work ethic (PWE) and the individual's vocational preferences.<sup>55</sup> In their study, the authors noted that the following phrases had become identified with PWE: (1) "high internal locus of control beliefs"; (2) "conservative attitudes and beliefs"; (3) "high need for achievement"; and (4) "individualistic attribution styles."<sup>56</sup> The following values characterize a strong PWE: "obedience, salvation, cleanliness, security and politeness."<sup>57</sup> Anti-PWE values included "equality, harmony, love, broadmindedness and imaginativeness."<sup>58</sup> The authors classified an individual with a strong PWE as one who is "independently minded, competitive, [and] hardworking" and one "who is prepared to persevere at a task to achieve desirable ends."<sup>59</sup>

Previous studies had indicated that individuals with a high PWE were more likely to (1) be satisfied in their paid work and in life in general; (2) have an internal motivation to work; (3) be satisfied with their professional growth; and (4) have a moral and calculative commitment to the work organization.<sup>60</sup> The authors also noted that when given a negative performance evaluation, those with high PWE improved their performance, while the performance of those with low PWE declined.<sup>61</sup> The authors' study found that individuals with a high PWE preferred occupations

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55. Adrian Furnham & Eva Koritsas, *The Protestant Work Ethic and Vocational Practice*, 11 J. ORG. BEHAV. 43, 43 (1990).

56. *Id.*

57. *Id.*

58. *Id.*

59. *Id.* at 44.

60. *Id.*

61. *Id.* at 55.

described as enterprising and conventional.<sup>62</sup> Enterprising occupations are those that “entail the manipulation of others to attain organizational goals or economic gain,” such as management, marketing, and sales.<sup>63</sup> Conventional occupations are those that require the “explicit, ordered systematic manipulation of data,” such as “record keeping, filing, and data processing.”<sup>64</sup> The study further revealed that PWE is also correlated with realistic and artistic jobs.<sup>65</sup> Realistic occupations involve the manipulation of objects, tools, and machines to accomplish organizational goals or economic gain, such as manufacturing positions.<sup>66</sup> Artistic jobs are “ambiguous, free, unsystematized activities that entail the manipulation of physical, verbal, or human materials to create art.”<sup>67</sup>

As the authors predicted, occupations characterized as investigative and social did not correlate with PWE.<sup>68</sup> Investigative occupations are those that “entail the observational, symbolic, systematic, and creative investigation of physical, biological, and cultural phenomena,” and include professions such as scientists, engineers, and medical researchers.<sup>69</sup> Social jobs require the manipulation of others to inform, train, develop, cure or enlighten” and thus involve competency with emotional sensitivity and interpersonal skills.<sup>70</sup> In predicting and finding that these occupations are not correlated with the PWE, the idea is not that individuals employed in investigative and social jobs are not productive, but that those with a preference for such occupations define work differently and measure success by means other than those associated with the PWE.<sup>71</sup>

Michael J. Miller provided a historical summary of work ethic and noted that recent research “has failed to find a consistent relation between religious orientation and work ethic.”<sup>72</sup> Miller

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62. *Id.* at 51.

63. JOHN L. HOLLAND, MAKING VOCATIONAL CHOICES: A THEORY OF CAREERS 16–17 (1973).

64. *Id.* at 17.

65. Furnham & Koritsas, *supra* note 55, at 51.

66. HOLLAND, *supra* note 63, at 14–17.

67. *Id.*

68. Furnham & Koritsas, *supra* note 55, at 51.

69. HOLLAND, *supra* note 63, at 14–15.

70. *Id.* at 16.

71. Furnham & Koritsas, *supra* note 55, at 52–53.

72. Miller et al., *supra* note 6, at 453.

concluded that what was once “conceived as a religious construct is now likely secular and is best viewed as general work ethic and not a protestant work ethic.”<sup>73</sup> Miller asserted that work ethic is a multidimensional construct that involves attitudes and beliefs about work and work-related activity in general.<sup>74</sup> In addition, Miller asserted that work ethic has a motivational aspect that is reflected in behavior, and that work ethic is learned.<sup>75</sup>

To measure work ethic, Miller drew heavily upon Weber’s concept of work ethic and the contributions of recent scholars.<sup>76</sup> In doing so, Miller noted that a number of authors had previously sought to characterize work ethic as a one-dimensional concept, each drawing upon an aspect of work ethic.<sup>77</sup> Unfortunately many of the one-dimensional models of work ethic lacked the psychometric validity necessary to make them useful for empirical study.<sup>78</sup> Miller thought it best to gather the distinguishable aspects of work ethic into a single valid instrument and assess each aspect individually.<sup>79</sup> The resulting instrument would provide an effective research tool for future studies and more comprehensive and detailed information about individuals’ work related values.<sup>80</sup>

Thus, Miller identified seven work-ethic dimensions and generated ten survey items for each of the seven dimensions.<sup>81</sup> Through a series of six studies, Miller validated the items and dimensions, calling the finished product the Multidimensional Work Ethic Profile (MWEP).<sup>82</sup> Participants in Miller’s MWEP validation studies included undergraduate students, U.S. Air Force enlisted personnel, and employees at financial institutions, a car dealership, and a newspaper.<sup>83</sup> The seven MWEP dimensions and a brief description of each follow:

- (1) Centrality of Work—Belief in work for work’s sake and the importance of work;

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73. *Id.* at 453–54.

74. *Id.* at 455.

75. *Id.*

76. *See id.* at 456–57.

77. *Id.* at 457.

78. *Id.*

79. *Id.* at 458.

80. *Id.*

81. *Id.* at 483–86 (providing a copy of the MWEP and its scoring rubric).

82. *Id.* at 482.

83. *Id.* at 558, 461, 465, 468, 473, 477.

- (2) Self-reliance—Striving for independence in one’s daily work;
- (3) Hard work—Belief in the virtues of hard work;
- (4) Leisure—Pro-leisure attitudes and beliefs in the importance of non-work activities;
- (5) Morality/Ethics—Believing in a just and moral existence;
- (6) Delay of Gratification—Orientation toward the future; and the postponement of rewards; and
- (7) Wasted time—Attitudes and beliefs reflecting active and productive use of time.<sup>84</sup>

In January 2013, John P. Meriac published a “short form” of the MWEF, dropping the length of the inventory from sixty-five items to twenty-eight.<sup>85</sup> Meriac noted that while the MWEF had been widely used, its length was a “potential drawback,” and the MWEF drafters and other work-ethic researchers had received multiple requests for a short form.<sup>86</sup> Meriac engaged in two studies to shorten the inventory.<sup>87</sup> The first study employed item response theory to select items to include on the short form; the second cross-validated the revised form.<sup>88</sup>

### III. UNDERGRADUATE STUDENTS’ WORK-RELATED PREFERENCES

Having refined the work-ethic construct and generated instruments to assess work ethic, attention turned to evaluating work ethic among specific populations, including undergraduate students. In 1994, a study examined the extent of PWE among college students.<sup>89</sup> This study drew upon 422 graduate, undergraduate, international, and American students enrolled in one of three types of courses: psychology, business, and English as a second language.<sup>90</sup> The authors hypothesized that older students, graduate students, and non-American students would have stronger PWE.<sup>91</sup> The results were contrary to two hypotheses: younger

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84. *Id.* at 464.

85. John P. Meriac et al., *Development and Validation of a Short Form for the Multidimensional Work Ethic Profile*, 82 J. VOC. BEHAV. 155 (2013).

86. *Id.* at 156.

87. *Id.*

88. *Id.*

89. Diane Keyser Wentworth & Robert M. Chell, *American College Students and the Protestant Work Ethic*, 137 J. SOC. PSYCHOL. 284 (1997).

90. *Id.* at 288.

91. *Id.*

students and undergraduate students held stronger PWE beliefs than older students and graduate students.<sup>92</sup> As a predicted result, non-American students had a stronger sense of PWE than American students.<sup>93</sup>

The authors theorized that younger students expressed stronger PWE beliefs because society has taught them that the values consistent with the PWE lead to vocational success, and the PWE justifies the delay in gratification that students must agree with as they prepare for their careers.<sup>94</sup> The authors further opined that as students age and move into graduate programs or their careers, the individuals experience the realities of the job market, with its organizational politics and decision making that demonstrate a lack of equity and fairness, and as a result, they develop a “cynicism,” running counter to the PWE beliefs.<sup>95</sup>

The authors suggested that non-American students have a more belief in the PWE than American students because leaving one’s home and family to study in the United States requires significant sacrifice and with it, the delay of gratification of immediate needs.<sup>96</sup> Those values are consistent with the PWE beliefs.<sup>97</sup>

Meriac employed the MWEP in a study among college students to determine the nature of the relationship between work ethic and academic performance, which he defined as GPA, organizational citizenship behavior (OCB), and counterproductive behavior (CPB).<sup>98</sup> Meriac found that work ethic was “generally unrelated to college GPA,” but work ethic explained “incremental variance” in OCB and the CPBs, cheating and disengagement.<sup>99</sup> Study participants were 221 undergraduate students in various stages of their college careers.<sup>100</sup> In addition to the MWEP, the participants responded to surveys that assessed their OCB and CPB.<sup>101</sup>

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92. *Id.* at 293.

93. *Id.*

94. *Id.*

95. *Id.*

96. *Id.* at 293–94.

97. *Id.* at 294.

98. John P. Meriac, *Work Ethic and Academic Performance: Predicting Citizenship and Counterproductive Behavior*, 22 *LEARNING & INDIVIDUAL DIFFERENCES* 549, 549 (2012).

99. *Id.* at 551.

100. *Id.* at 550.

101. *Id.* at 551.

Regarding work ethic and college GPA, Meriac found that the Hard Work dimension of work ethic was negatively correlated with GPA.<sup>102</sup> Meriac theorized that students who expressed belief in the virtue of hard work but had lower GPAs may “expend ‘more’ effort instead of developing more effective study strategies.”<sup>103</sup> Regarding OCB and CPB, Meriac noted that universities have emphasized the ethics and integrity of their student bodies, which makes assessment of OCB and CPB important, and thus the relationship between work ethic and OCB and cheating and disengagement relevant.<sup>104</sup> A hierarchical regression analysis revealed that work ethic explained “a significant proportion” of the variance in OCB, ahead of high school GPA and ACT scores.<sup>105</sup> The study also revealed that the work-ethic dimension morality/ethics was negatively correlated with cheating and wasted time was negatively correlated with disengagement.<sup>106</sup> Meriac concluded that, as a construct, work ethic plays “an important role” in academic performance predictions because it offers explanations of variance in performance that are not possible with conventional measures.<sup>107</sup>

Also employing the MWEP, John T. Parkhurst and his colleagues examined whether work ethic had any relationship with a student’s choice to complete a lengthier assignment.<sup>108</sup> Parkhurst found that collectively, the work-ethic dimensions explained 24% of the variance in student choice behavior.<sup>109</sup> Among the dimensions, hard work and delay of gratification were “significantly positively related” to students’ choice to complete the lengthier assignment and leisure was “significantly negatively related” to students’ choice to complete the lengthier assignment.<sup>110</sup>

Different generational cohorts have different levels of work ethic. In a study Meriac and his colleagues published in 2010, Meriac used the MWEP to survey work ethic among three generations: Baby Boomers (born between 1946 and 1964);

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102. *Id.* at 552.

103. *Id.*

104. *Id.* at 551–52.

105. *Id.* at 551.

106. *Id.*

107. *Id.* at 552.

108. John T. Parkhurst et al., *Assignment Choice, Effort, and Assignment Completion: Does Work Ethic Predict those who Choose Higher-Effort Assignments?* 21 *LEARNING & INDIVIDUAL DIFFERENCES* 575, 576 (2011).

109. *Id.* at 577.

110. *Id.* at 578.

Generation X (born between 1965 and 1980), and Millennials (born between 1981 and 1999).<sup>111</sup> Participants were business students at a large university in the southeastern United States who had responded to the MWEP over a twelve-year period.<sup>112</sup> To compare generational responses with one another, the researchers evaluated the response equivalence for each work-ethic dimension.<sup>113</sup> For example, they compared the Baby Boomers' responses on the self-reliance dimension with the Generation X responses on self-reliance and evaluated the extent to which the responses were statistically equal.<sup>114</sup> Interestingly, they found the most lack of equivalence between Generation Xers and Millennials.<sup>115</sup> These generations responded statistically differently to six of the seven work-ethic dimensions: self-reliance, morality/ethics, hard work, centrality of work, wasted time, and delay of gratification.<sup>116</sup> They were equal only on the leisure dimension.<sup>117</sup> As between the Baby Boomers and Generation X, measurement equivalence was found for five of the seven dimensions, meaning that the generations differed on only two, morality/ethics and hard work.<sup>118</sup> Similarly, the Baby Boomers and the Millennials differed on only one dimension, delay of gratification; researchers found measurement equivalence among the other dimensions.<sup>119</sup> The authors noted that while the respondents in the Generation X and Millennial cohorts were in fact in different generational categories, their actual ages did not significantly differ.<sup>120</sup> They further noted that the Generation Xers and Millennials were far younger than the Baby Boomers.<sup>121</sup> As a result, the authors inferred that the generational differences between Generation Xers and Millennials were not solely attributable to other characteristics such as age or career stage.<sup>122</sup>

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111. John P. Meriac et al., *Generational Differences in Work Ethic: An Examination of Measurement Equivalence across Three Cohorts*, 25 J. BUS. PSYCHOL. 315, 317 (2010).

112. *Id.* at 317.

113. *Id.* at 318–19.

114. *Id.* at 324.

115. *Id.* at 319.

116. *Id.*

117. *Id.*

118. *Id.* at 319.

119. *Id.*

120. *Id.* at 320.

121. *Id.*

122. *Id.*



Statistical analyses of mean differences between generations revealed two trends: Baby Boomers were significantly higher than Generation Xers and Millennials on all work-ethic dimensions but leisure, and Millennials were significantly higher than Generation Xers on morality/ethics, hard work, and delay of gratification.<sup>123</sup> These trends indicate that among the three generations, Generation Xers reported the lowest level of work ethic.<sup>124</sup> The authors noted that the mean difference analysis may be colored by the fact that respondents in each generational cohort may have interpreted the meaning of specific items differently, which would dilute the strength of the findings.<sup>125</sup> For example, the item that states one can “overcome every obstacle” may hold different meaning for the Baby Boomers, who grew up at a time of great prosperity and saw that their efforts led to success, as compared with the Generation Xers who grew up in a different environment.<sup>126</sup> The phrase may have different meanings for members of the cohorts and may create an artificial distinction between them.<sup>127</sup>

In a related study, researchers explored whether there were differences in work ethic between upper-level college students and working professionals.<sup>128</sup> Participants included 218 college juniors and seniors, with a mean age of twenty-three and a range of nineteen to fifty years old, and 212 workforce professionals, with a mean age of forty-four and an age range of nineteen to seventy-two years old.<sup>129</sup> The findings indicated that the work ethic of the college students was statistically similar to the work ethic of the

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123. *Id.* at 319.

124. *Id.* at 320.

125. *Id.*

126. *Id.*

127. *Id.* (noting that while attitudes toward work appear to mature over time, a longitudinal study conducted during the first fifteen years of individuals' professional careers revealed no significant change in work attitudes); *see also* Bart Wille et al., *Maturation of Work Attitudes: Correlated Change with Big Five Personality Traits and Reciprocal Effects over 15 years*, 35 J. ORG. BEHAV. 507, 519 (2014) (finding that there was no statistically significant change in work attitudes during a longitudinal study, but noting a “general *tendency* for individuals to increase work involvement”).

128. *See generally* Raymond K. Van Ness et al., *Work Ethic: Do New Employees Mean New Work Values*, 22 J. MANAGERIAL ISSUES 10 (2010).

129. *Id.* at 19–20.

professionals.<sup>130</sup> There were, however, statistically significant and substantial differences between the two groups on specific work-ethic dimensions.<sup>131</sup> College students reported a stronger sense of self-reliance, leisure, and hard work than the working professionals.<sup>132</sup> But the working professionals reported a stronger sense of morality/ethics, centrality of work, and wasted time than the college students.<sup>133</sup> There was no statistical difference in the groups' responses on delay of gratification.<sup>134</sup>

A number of studies have considered the impact of values associated with work ethic on academic performance, with mixed results. In their study, William Rau and Ann Durand coined the phrase "academic ethic" and hypothesized that the ethic exists among college students and is related to academic performance.<sup>135</sup> Their study confirmed both hypotheses.<sup>136</sup> The authors predicted that the academic ethic would express itself in the following behaviors: students "place their studies above leisure activities; study on a daily or near-daily basis; and study in a disciplined, intense, and sober fashion."<sup>137</sup> The authors' use of "sober" referred to the full and methodic commitment to studies and the avoidance of frequent alcoholic beverage consumption.<sup>138</sup> The authors generated an instrument that surveyed fourteen variables.<sup>139</sup> Nine of the fourteen were characterized as study behaviors.<sup>140</sup> Six of that nine focused on the frequency of study (hours during week and on

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130. *Id.* at 21.

131. *Id.* at 23.

132. *Id.* at 25–26.

133. *Id.*

134. Van Ness et al., *supra* note 128, at 27; *see also* Kenneth D. Stewart & Paul C. Bernhardt, *Comparing Millennials to Pre-1987 Students and with One Another*, 12 N. AM. J. PSYCHOL. 579, 594–96 (2010) (finding that 2004–2008 undergraduate students were distinct from pre-1987 undergraduate students on a number of measures, including that they were less psychologically healthy, less fulfilled, had weaker impulse control, and were more narcissistic, and concluding that the 2004–2008 undergraduates had weaker "academic assets" than the pre-1987 undergraduate students).

135. William Rau & Ann Durand, *The Academic Ethic and College Grades: Does Hard Work Help Students to Make the Grade?*, 73 SOC. EDUC. 19, 23–24 (2000).

136. *Id.* at 30–31.

137. *Id.* at 23.

138. *Id.*

139. *Id.* at 25.

140. *Id.*

weekends).<sup>141</sup> The other three study behavior variables considered whether the student had an “academic” locus of control, held a “GPA perspective,” and preferred academics to social life.<sup>142</sup> The remaining five variables focused on the extent to which students drank.<sup>143</sup> The authors administered their survey to students living in the residence halls at Illinois State University.<sup>144</sup> The authors linked the respondents’ results to their ACT scores and spring semester 1992 cumulative GPAs.<sup>145</sup> The results validated the academic ethic and correlated the ethic with GPA, controlling for ACT scores.<sup>146</sup>

Previous academic performance is a strong predictor of subsequent academic performance.<sup>147</sup> In a study of 2,103 first-year agricultural students enrolled at Kansas State University from 1990–1999, the authors found that high school cumulative GPA offered the best explanation for first semester college GPA explaining 12.9% of the variance,<sup>148</sup> and first semester grades offered best explanation for second-semester grades, explaining 43% of the variance.<sup>149</sup> Standardized test scores predicted 9.8% of first-semester grades and 2% of second semester grades.<sup>150</sup> Study variables included age, gender, military, family income, ethnicity, and education rate in home county.<sup>151</sup> High school specific variables included ACT scores, high school cumulative GPA, county-teacher salary, teacher-student ratio, whether the student had been elected to office, whether the student was a varsity athlete or participated in a club/activity, and the students’ class size and percentage of the same race.<sup>152</sup> College specific variables included: previous college experience, in terms of number of credit hours, major, and first and second semester cumulative GPAs.<sup>153</sup>

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141. *Id.* at 28.

142. *Id.*

143. *Id.*

144. *Id.* at 24.

145. *Id.* at 25–26.

146. *Id.* at 30.

147. Andrew P. Barkley & Jerry J. Forst, *The Determinants of First-Year Academic Performance in the College of Agriculture at Kansas State University, 1990–1999*, 36 J. AGRIC. & APPLIED ECON. 437 (2004).

148. *Id.* at 445–46.

149. *Id.* at 446.

150. *Id.* at 445.

151. *Id.* at 440.

152. *Id.*

153. *Id.* at 440–42.

John W. Lounsbury was lead author on a study that considered whether intelligence, the “Big Five” personality traits, and “Work Drive” predicted a course grade.<sup>154</sup> Results indicated that among the variables tested, intelligence explained most of the variance in students’ course grade (16.1%), the Big Five accounted for 6.7%, and Work Drive accounted for 4.1%.<sup>155</sup> When the authors entered Work Drive into a hierarchical regression analysis before the Big Five, Work Drive explained 7.8% of the variance, while the Big Five only explained 2.8%—an insignificant amount.<sup>156</sup> The authors’ work thus distinguished the role that Work Drive alone plays in explaining course grade variance and thus predicting academic success.

In their study, the authors used a well-researched and normed general intelligence instrument to measure participants’ intelligence.<sup>157</sup> The Big Five personality traits refer to neuroticism, extraversion, openness, agreeableness, and conscientiousness, which are well-researched personality traits and are measured with the Personal Style Inventory.<sup>158</sup>

Work Drive is a phrase that Lounsbury coined to represent a “personal disposition or trait, reflecting an individual’s characteristic behavior at work and general orientation toward work, which is not limited to a specific job.”<sup>159</sup> Work Drive is not work ethic or the Protestant work ethic, which are broader concepts. Whereas work ethic connotes “a set of attitudes, beliefs, or values about the general importance of work for society and personal or moral character” and the extent to which one values working hard and disfavors idleness and laziness,<sup>160</sup> Work Drive reflects an individual’s “enduring motivation to expend time and effort to finish projects, meet deadlines, be productive, and achieve success.”<sup>161</sup> Work Drive is not work centrality, which focuses on the degree of importance that work plays in one’s life; it is not

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154. John W. Lounsbury et al., *Intelligence, Big Five Personality Traits, and Work Drive as Predictors of Course Grade*, 35 PERSONALITY & INDIVIDUAL DIFFERENCES 1231 (2003).

155. *Id.* at 1235.

156. *Id.*

157. *Id.* at 1234.

158. *Id.* at 1232–33.

159. John W. Lounsbury et al., *The Development and Validation of a Personological Measure of Work Drive*, 18 J. BUS. & PSYCHOL. 427, 428–29 (2004).

160. *Id.* at 428.

161. Lounsbury et al., *supra* note 154, at 1232.

workaholism, which considers the “negative or dysfunctional aspects of excessive work”; and it is not job involvement, which considers an individual’s “orientation toward a particular job” and involves a specific psychological state not a personality trait, like Work Drive.<sup>162</sup>

Lounsbury and a colleague drafted a set of items designed to inventory an individual’s Work Drive.<sup>163</sup> The item set was validated through a series of four administrations to different populations of workers, totaling 6,144 respondents.<sup>164</sup> In each administration, the Work Drive items were part of a larger battery of personality and/or general intelligence measures.<sup>165</sup> Statistical analysis of the responses established the validity and internal consistency reliability of the item set.<sup>166</sup> The authors then studied whether Work Drive was related to job performance, and if so, to what extent.<sup>167</sup> The participants were employees in occupations ranging from an agricultural extension service to portfolio managers working for a credit card and collections company.<sup>168</sup> Study measurements included the Personal Style Inventory, job performance ratings, a cognitive aptitude instrument, and the Work Drive items.<sup>169</sup> In all administrations, Work Drive significantly contributed to job performance predictions, “beyond that accounted for the Big Five measures as well as by both the Big Five and cognitive aptitude measures.”<sup>170</sup>

In a subsequent study, the authors investigated the impact of Work Drive on the academic performance of middle and high school students.<sup>171</sup> Study participants included students in grades six through twelve.<sup>172</sup> Measurement instruments included an adolescent version of the Personal Style Inventory, the Work Drive

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162. Lounsbury et al., *supra* note 159, at 428.

163. *Id.* at 429.

164. *Id.* at 430. Participants included 3,888 workers from an automotive parts company, 940 workers from a telecommunications company, 502 workers from a career transition services company, and 814 workers from a fuel distribution-convenience store company. *Id.*

165. *Id.* at 428–29, 432–33, 436, 439–40.

166. *Id.* at 431.

167. *Id.*

168. *Id.* at 432–33.

169. *Id.* at 433.

170. *Id.* at 435.

171. *Id.*

172. *Id.* at 435–36.

items, which were modified for the academic context, and the students' cumulative GPA.<sup>173</sup> Regression analysis of the results revealed that Work Drive is "significantly related" to students' cumulated GPA and Work Drive "contributes incremental variance to the prediction of GPA beyond the Big Five personality measures."<sup>174</sup>

The authors then considered Work Drive's relationship to other cognitive, personality, and motivation measurements, including instruments that measure job satisfaction, work ethic, the protestant work ethic, work values, job involvement and workaholism.<sup>175</sup> Participants included a mix of undergraduate students in psychology courses and employees working for a variety of employers, including convenience stores, utilities, career planners, and job candidates.<sup>176</sup> Participants' responses indicated that "Work Drive was significantly and positively correlated" with work ethic, Protestant work ethic, central life interest—work, Type A personality, and Workaholism.<sup>177</sup> Interestingly, Work Drive was not significantly related to general intelligence or cognitive aptitude.<sup>178</sup> Collectively, the authors' studies support the criterion-related validity of Work Drive and the incremental validity of Work Drive as a predictor of job performance and academic success, beyond the Big Five personality traits, cognitive aptitude, and the Big Five variables.<sup>179</sup>

In a follow-up article, Susan D. Ridgell and John W. Lounsbury considered the relationship between general intelligence, the Big Five personality traits, Work Drive, and a single course grade and student-reported cumulative GPA.<sup>180</sup> One hundred and forty students participated in an introductory psychology course where they received extra credit for their responses.<sup>181</sup> Results were consistent with earlier studies, showing that general intelligence and Work Drive were correlated with course grade and GPA.<sup>182</sup> As a

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173. *Id.* at 435.

174. *Id.* at 437.

175. *Id.*

176. *Id.* at 439.

177. *Id.* at 440.

178. *Id.*

179. *Id.* at 447.

180. Susan Ridgell & John Lounsbury, *Predicting Academic Success: General Intelligence, Big Five Personality Traits, and Work Drive*, 38 C. STUDENT J. 607 (2004).

181. *Id.* at 609.

182. *Id.* at 612.

single variable, Work Drive predicted academic success.<sup>183</sup> In addition, Work Drive added to the predictive value of general intelligence and the Big Five.<sup>184</sup> Controlling for general intelligence, Work Drive explained 7% of the variance in course grade; controlling for general intelligence and emotional stability (one of the Big Five that was correlated with academic success), Work Drive explained 6% of the variance in course grade.<sup>185</sup> Significantly, Work Drive accounted for 14% of the variance in GPA, controlling for general intelligence, and 13% of the variance in GPA when controlling for general intelligence and emotional stability.<sup>186</sup>

Other authors have assessed whether specific aspects of work ethic are correlated to academic success. For example, Sarath A. Nonis, and Gail I. Hudson tested four hypotheses: (1) the amount of time spent studying outside of class is related to academic performance; (2) the amount of time spent working while in school is related to academic performance; (3) the amount of time spent studying outside of class will positively impact the effect that ability has on academic performance; and (4) the amount of time spent studying outside of class will positively impact the effect that motivation has on academic performance.<sup>187</sup> Results supported only the third hypothesis.<sup>188</sup> The amount of time spent outside of class studying or working and students' motivation were not correlated

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183. *Id.*

184. *Id.*

185. *Id.*

186. *Id.* See John W. Lounsbury et al., *An Investigation of Character Strengths in Relation to the Academic Success of College Students*, 7 *INDIVIDUAL DIFFERENCES RES.* 52, 52–60 (2009) (noting that academic success among undergraduate students is correlated to sixteen of the twenty-four values in action that define character strengths with the most prominent being persistence); see also Richard Griffin, Angie MacKewn, Ernest Moser & K. W. VanVuren, *Learning Skills and Motivation: Correlates to Superior Academic Performance*, 5 *BUS. EDUC. & ACCREDITATION* 53, 58–60 (2013) (noting that academic success is correlated to motivation but does not explain or predict motivation among undergraduate students as measured by the Learning and Studies Strategies Inventory (LASSI)). *But see* Schmidt, *supra* note 1 (finding that law students' responses to the LASSI do not reflect any correlation between motivation and academic performance).

187. Sarath A. Nonis & Gail I. Hudson, *Academic Performance of College Students: Influence of Time Spent Studying and Working*, 81 *J. EDUC. FOR BUS.* 151, 152–53 (2006).

188. *Id.* at 155.

with academic performance.<sup>189</sup> Time spent studying outside of class was only related to academic performance when it was considered in conjunction with students' aptitude for study.<sup>190</sup> Specifically, the study revealed that students who had high ACT scores and who spent more time studying outside of class performed better in their courses.<sup>191</sup> Participants were 264 students enrolled in a variety of business courses.<sup>192</sup> Measurement tools included the students' ACT scores, semester GPA, a motivation scale, and student reported journals of time spent studying and working outside of class.<sup>193</sup> The study suggests that academic performance is not a product of ability alone; instead, ability and time spent outside of class contribute to success.<sup>194</sup>

Darrell W. Guillaume and Crist Simon Khachikian also considered the impact of time spent studying on academic performance.<sup>195</sup> The authors found that students' time on task was not correlated to course grade or overall GPA.<sup>196</sup> Participants were 231 civil and mechanical engineering students surveyed four times during a semester of undergraduate engineering course work.<sup>197</sup> In addition to asking about the time students spent preparing for class, the surveys also asked students to predict their course grades.<sup>198</sup> Results indicated a weak correlation between students' week 1 predicted grade and their final grade.<sup>199</sup> The correlations strengthened significantly over the course of the semester.<sup>200</sup> Surveys also revealed that students believed that if they spent more time with course material, they would achieve a higher grade.<sup>201</sup> In light of the data, the authors theorized trends that occurred among

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189. *Id.*

190. *Id.*

191. *Id.*

192. *Id.* at 153.

193. *Id.*

194. *Id.* at 156.

195. Darrell W. Guillaume & Crist Simon Khachikian, *The Effect of Time-on-Task on Student Grades and Grade Expectations*, 36 ASSESSMENT & EVALUATION IN HIGHER EDUC. 251 (2011).

196. *Id.* at 257.

197. *Id.* at 252–53.

198. *Id.* at 253.

199. *Id.* at 254.

200. *Id.* at 255.

201. *Id.* at 256.



the students during the course of a semester.<sup>202</sup> They noted that all students devoted substantially the same amount of time to the course in the first week.<sup>203</sup> As time passed and the students learned the material, outside pressures began to impinge upon their studies, and by week three, all students reduced the amount of time they spent with the course.<sup>204</sup> Higher performing students appeared to optimize the time they spent preparing for class and remained consistent with that amount of time through the remainder of the semester.<sup>205</sup> Following the week three reduction in time, “B” students actually increased the time they spent throughout the semester preparing for class.<sup>206</sup> “C” students, alternatively, continued decreasing the amount of time that they spent preparing for class.<sup>207</sup>

The research findings described above have accomplished much. First, they have more precisely refined work ethic and they have added a new conceptualization of work-related preferences to the conversation—that Work Drive as a personality trait. In addition, the findings reveal undergraduate students’ work-related preferences powerfully impact academic performance. These findings are especially prominent when assessed through the Work Drive inventory. General assessments of students’ motivation and more narrow time-on-task surveys, however, show no such impact. These findings set up the next portion of the paper—whether law students’ work-related preferences have any impact on their academic performance.

#### IV. LAW STUDENTS’ WORK-RELATED PREFERENCES

The current study was conducted at a private law school in the southeastern United States during spring 2014. In light of the findings of previous studies, the current study hypotheses included: (1) students’ work-related preferences are correlated to academic performance; (2) students’ work-related preferences explain and predict students’ academic performance; (3) students work-related

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202. *Id.* at 259.

203. *Id.*

204. *Id.*

205. *Id.* at 260.

206. *Id.*

207. *Id.*

preferences are correlated to first time bar passage; and (4) students' work-related preferences explain and predict bar passage.

Enrolled students and December 2013 graduates received an e-mail from the law school's Academic Success Program, inviting the students and graduates to participate in an academic success study. Nothing in the e-mail suggested that the study involved an assessment of the individuals' work ethic. The e-mail included a link to a survey, which students were asked to complete. Approximately 924 students received the e-mail, including 70 students who graduated in December 2013, 652 full-time students, and 202 part-time students. Two-hundred and fifteen responses to the e-mail were complete and formed the data for the study, providing a response rate of approximately 23%.

The survey the students received included items from the MWEP short form and the Work Drive inventory. These items were chosen because both instruments have been validated and used in the context of academics. Thirty-seven items comprised the survey; the first twenty-eight questions were the MWEP short form and the remaining nine questions were the Work Drive items.<sup>208</sup> A copy of the survey is available at Appendix A. The text of several items was modified slightly to make them appropriate for law students.<sup>209</sup> Respondents' rated the items on a five-point, Likert-type scale and point values were assigned to each scale category as follows: Strongly Agree = 5pts; Agree = 4pts; Neither Agree nor Disagree = 3pts; Disagree = 2pts; Strongly Disagree = 1pt. For each respondent, the following data was generated: (1) values for each of the seven MWEP dimensions; (2) a combined MWEP profile score; (3) the

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208. The author received permission from Professors David J. Woehr and John W. Lounsbury to use the MWEP and Work Drive inventories. Professors Woehr & Lounsbury recommended combining the inventories into one instrument, suggesting that doing so would provide a more robust assessment of the work-ethic construct.

209. For example, item 4 on the Work Drive inventory stated: "I like to do more than my teachers require in class." That item was modified in the current instrument as follows: "I like to do more than my professors require in class." Three items on the MWEP short form were modified to improve readability. For example, MWEP item 1 read "It is important to stay busy at work and not waste time." That item was modified to read "One should stay busy and not waste time." Similarly, MWEP item 23 stated "It is important to treat others as you would like to be treated." That item was modified to read "You should treat others as you would like to be treated."

sum of the Work Drive items; and (4) a composite score, which included all MWEP and Work Drive values.

Official student records provided other variables, which included each student’s: age, gender, ethnicity, highest Law School Admissions Test (LSAT) score, undergraduate grade point average (UGPA), and thirty-hour law school grade point average (30 Hour LGPA). If the student graduated, data also included the student’s final law grade point average (Final LGPA) and if the student took a bar exam, whether the student passed the exam on the student’s first attempt.

Respondents’ gender, ethnicity, and mean high LSAT, UGPA and 30 Hour LGPA are reported on Table 1 alongside similar data from the Fall 2014 entering class as reported on the school’s mandatory ABA Standard 509 Disclosure.

<b>TABLE 1: DESCRIPTIVE ATTRIBUTES OF RESPONDENTS AND CORRESPONDING ATTRIBUTES AMONG FALL 2014 ENTERING CLASS</b>		
<b>Variable</b>	<b>Respondents</b>	<b>ABA Standard 509 Disclosure Information for 2014–2015</b>
Gender	72.6% Female	49.8% Female
Ethnicity	75% White, not Hispanic	70.6% White, not Hispanic
High LSAT	154.36	155
UGPA	3.398	3.25
30 Hour LGPA	3.075	2.9–3.1 (Range of mandatory mean for 30 Hour LGPA)

Respondents’ scores on the MWEP and Work Drive Inventory appear below, on Table 2.

<b>TABLE 2: RESPONDENTS’ SCORES ON THE MWEP (COMBINED AND BY SUBSECTION) AND THE WORK DRIVE INVENTORY</b>			
<b>Inventory</b>	<b>Mean</b>	<b>Standard Deviation</b>	<b>Range</b>
MWEP Combined	108.89	9.616	83, 137
MWEP Self reliance	14.86	3.079	6, 20
MWEP Morality/ethics	18.45	1.543	14, 20
MWEP Leisure	14.17	2.557	7, 20
MWEP Centrality of work	16.72	2.089	11, 20
MWEP Hard work	15.85	2.935	7, 20
MWEP Wasted time	15.90	2.320	7, 20

MWEP Delay of Gratification	12.81	2.916	6, 20
Work Drive	30.75	5.723	12, 44

A statistical analysis was conducted on the data. Response variables included students' 30 Hour LGPA, Final LGPA, and first-time bar passage. All other variables were treated as explanatory. Too few respondents had graduated law school and taken a bar exam to provide any meaningful inference regarding final LGPA and first-time bar passage as response variables. A statistically significant correlation (0.3105) arose between students' Work Drive score and students' 30 Hour LGPA.<sup>210</sup> Other statistically significant correlations included 30 Hour LGPA and High LSAT (0.3034) and 30 Hour LGPA and students' UGPA (0.2017). The MWEP total score was not correlated to students' 30 Hour LGPA, nor was any single dimension of the MWEP. Further, no other variable, including age, gender, and ethnicity was correlated to students' 30 Hour LGPA. The correlation between Work Drive and 30 Hour LGPA supported the first hypothesis.

In light of the correlation between students' Work Drive, High LSAT, UGPA, and 30 Hour LGPA, a regression analysis was performed. Regressing Work Drive, High LSAT, and UGPA, revealed that the variables explained 26.99% of the variance in students' 30 Hour LGPAs. Put another way, we can predict a student's 30 Hour GPA approximately 27% of the time, when we know the student's Work Drive, High LSAT and UGPA. When High LSAT and UGPA were regressed in the absence of students' Work Drive score, the variables explained only 18% of the variance in 30 Hour LGPA. Thus, Work Drive matters.

In response to the study hypotheses, the results partially supported the first two: (1) students' work-related preferences (as expressed as Work Drive) are correlated to academic performance; and (2) students' work-related preferences (as expressed as Work Drive) explain and predict students' academic performance. Unfortunately, the data sample was not sufficient to address hypotheses (3) and (4), which focused on the relationship between work-related preferences and final LGPA and first-time bar passage.

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210. The data also revealed statistically significant correlations between Work Drive and several of the MWEP dimensions and the total MWEP score. Statistically significant MWEP dimensions included: Centrality of Work (0.3478); Delay of Gratification (0.2011); Hard Work (0.2995); Leisure (0.2144); Wasted Time (0.4846). Work Drive's correlation to the total MWEP was 0.3764.

The absence of any statistically significant relationship between any dimension of the MWEP or the MWEP total score and students' 30 Hour LGPA is curious, especially in light of the significant correlation between Work Drive and 30 Hour LGPA and the similarities between the MWEP and Work Drive. The findings here, however, are consistent with the studies cited above—MWEP has not been found to be correlated with academic performance, whereas Work Drive has.

Several explanations for the difference in correlation are possible. First, while both instruments measure an individual's preferences around work, Work Drive treats those preferences as a personality trait, seeking to assess an individual's "characteristic behavior at work and general orientation toward work,"<sup>211</sup> whereas the MWEP treats those preferences more generally as a set of "attitudes and beliefs about work and work-related activity."<sup>212</sup> As noted above, other personality traits have been linked to academic performance.<sup>213</sup> A personality trait is an expression of an individual's default or preferred way of interacting with the world, where an ethic is a broader construct, representing a system of attitudes and beliefs. Perhaps the nature of work ethic, as assessed in the MWEP, is too diffuse and too general to be correlated to a specific outcome, such as academic performance in law school. Another possibility is that the sample size here, 215 students at various stages of their law school careers, was too small to adequately express a relationship between the MWEP and academic performance. Yet another explanation is related to the inventory itself. Rather than mixing the Work Drive items among the MWEP items, the twenty-eight MWEP items were presented first, followed by the nine items making up the Work Drive inventory. Had the Work Drive items been mixed among the MWEP or presented first, perhaps the results would have been different. The disparity in statistical significance between the MWEP and Work Drive revealed here suggests that additional research on this topic is necessary.

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211. Lounsbury et al., *supra* note 159, at 428–29.

212. Miller et al., *supra* note 6, at 455.

213. See Lounsbury et al., *supra* note 154, at 1235 (linking the Big Five Traits to academic performance); Ridgell & Lounsbury, *supra* note 180, at 612 (finding that emotional stability was linked to academic performance).

## V. IMPACT OF THE STUDY'S RESULTS

This study's results will impact current and future law students and the course of future research in this area. As to current students, the results have the potential to enhance the academic performance among two groups—those just beginning law school and those seeking to improve their academic performance.

To the extent that students' understanding of their capacity for academic success in law school is driven by how their LSAT and UGPA performances compare to the rest of their class, these results offer another predictive variable—students' Work Drive. Informing students during new student orientation or during their first semester that their schoolwork-related preferences and behaviors can impact their academic performance may incentivize the students to invest themselves more fully and effectively in their work. Messaging should emphasize that time-on-task alone is not sufficient; instead, what matters is students' approach to their work and the extent to which they prioritize it over other aspects of their lives. Regarding specific schoolwork related behaviors, Schmidt's and Enquists' research suggests that schools should instruct students on efficient and effective reading, note taking, and outlining strategies.<sup>214</sup> Enquists' work further suggests that providing students with strategies to overcome procrastination, distraction, and scapegoating may enable them to enhance their academic performance.<sup>215</sup> And Hill's work suggests that law schools should generate means to assess the extent to which students are investing themselves into their work.<sup>216</sup> Simply having conversations with students about the significance of their work-related behaviors, giving expression to the behaviors through context and vocabulary, would be helpful, especially in light of students' intrinsic need for autonomy and autonomy support.<sup>217</sup> When students learn that they,

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214. See Schmidt, *supra* note 1 (finding that while motivation is not correlated to academic success, specific study behaviors, such as distinguishing salient information from other information and spending time constructing course outlines is correlated to academic success); Enquist, *supra* note 4 (identifying study behaviors correlated to success in students' legal writing coursework).

215. See Enquist, *supra* note 4 (noting that these behaviors were negatively correlated with academic success in students' legal writing course).

216. See Hill, *supra* note 2 (discussing the need for law students to take greater responsibility for assessing their own learning).

217. Lawrence S. Krieger & Kennon M. Sheldon, Ph.D., *What Makes Lawyers Happy?: A Data-Driven Prescription to Redefine Professional Success*, 83 GEO. WASH. L.

and not their professors or their classmates, have a great deal of control over their academic performance, they will be more likely to accomplish their personal best.

Among those students who have received feedback on their law school academic performance and seek to improve it, these study results can incentivize students to refine their Work Drive. While personality traits are generally thought to be static, research shows that the traits are changeable.<sup>218</sup> Scholars have prescribed a three-part framework for refining a personality trait. First, the individual must consider the refined trait-related behavior as a desirable end.<sup>219</sup> Second, the individual must believe that the changes in trait-related behavior are feasible and that the individual is capable of doing them.<sup>220</sup> And third, the individual must repeatedly engage in the behaviors so that they become habitual.<sup>221</sup>

The framework can be utilized in the law school context through individual student conferences. When a student initiates contact with a professor, seeking to improve the student's academic performance, the professor can respond by asking the student to complete a study skills self-assessment prior to the meeting. The assessment should include reflective questions on a number of topics associated with study skills, such as critical reading, critical thinking, legal synthesis, and the extent to which the student has engaged in application exercises with the substantive material. In addition, the professor can include questions that ask the student to consider the student's work-related preferences; more specifically, the professor can include items from the Work-Drive inventory. Once the student has completed the assessment, the professor can meet with the student and discuss the student's responses. Data from studies such as this may persuade the student that changes to the student's Work Drive are a desirable end, and

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REV. 554 (2015).

218. Marie Hennecke et al., *A Three-Part Framework for Self-Regulated Personality Development Across Adulthood*, 28 EUR. J. PERSONALITY 289, 291 (2014).

219. *See id.* at 290.

220. *See id.* at 291. The authors characterize the first two portions of the framework as value and expectancy, such that the individual must sufficiently value the trait-related behavior and end goal and the individual must expect that the individual can successfully engage in the behavior. *Id.* at 290–91.

221. *Id.*

thus the behaviors associated with an enhanced Work Drive are worthy his attention.

To help the student believe that changes to the student's Work Drive are feasible and that the student is capable of achieving the changes, the professor can draw the student's attention to the student's previous academic success as an undergraduate or the student's previous employment successes and discuss the student's Work Drive preferences in those settings. Sharing anecdotal evidence from the professor's work with other students may also be helpful.

Assuming the student accepts that the student can revise the student's work drive and is willing to revise his or her approach to academics, the conversation should turn to how the student can express a revised Work Drive in the approach the student takes to law study, resulting in an action plan that identifies concrete tasks. Having established an action plan, next, the student must execute the plan. The plan should include accountability and follow-up measures to ensure the student is making progress and that the revised behaviors become habit. Research findings prescribe no precise timeframe for habituation. In the law school context, engaging in the behaviors long enough to establish, through formative and summative evaluations, the impact of the behaviors on academic performance is necessary.

In addition to providing support to individual students who seek to enhance their academic performance, law schools can communicate the Work-Drive refining framework to groups of students, especially after the students have received first-semester grades, and can offer to partner with individual students, assisting them as they formulate and execute action plans designed to enhance their Work Drive. One vehicle the author has used to communicate this message is an exam-review memo that the author has provided to students, just after the release of grades. Regardless of the medium for delivering the framework, law schools should be aware of the obstacles that students may have to overcome to refine their Work Drive. A nonexclusive list of these obstacles includes the extent to which students: (1) view their current Work Drive as desirable and sufficient; (2) attribute their poor academic performance to external causes, such as the professor's teaching style or the assessment structure, rather than their own Work Drive; (3) prefer the comfort and security of their current Work Drive and the consequences of it to the results that may flow from



changes in their behavior, such as the risk of performing worse or the increased demands and expectations of performing better; and (4) appreciate that refining Work Drive is effortful, requiring a level of self-control that may become depleted and increased energy and time that the student may not have.<sup>222</sup>

This study's finding that Work Drive enhances the predictive power of the LSAT and UGPA on students' first-year law school grades triggers the issue of whether to consider an individual's Work Drive in law school admission decisions. For example, a law school might choose to include Work-Drive related items in its application materials. Arguably, upon review of an applicant's file, the school would have a more complete picture of the applicant's capacity for success in its program. The author cautions against such a widespread pre-matriculation use of the Work Drive inventory. The inventory is a self-reported survey; if applicants see the items among admissions materials, the applicants may be incentivized to respond to the items with aspirational preferences, rather than the applicants' actual preferences. Instead, to the extent that an admissions committee is looking at applicants on the margin, for example, those on a waitlist, reviewing the applicants' resume and personal statement for Work Drive traits may be helpful. The extent to which the applicant, on her own accord, has indicated a strong Work Drive may suggest that the applicant has greater capacity for academic success than her peers.

In addition to directly impacting current and future law students, the results have sparked the need for additional study. First, as the survey respondents graduate from law school and take the bar exam, the impact of the respondents' Work Drive on final law grade point average and first time bar passage should be assessed to determine whether Work Drive retains its predictive value with those outcomes. The Law School Survey of Student Engagement (LSSSE) is another source of information that could be drawn upon to provide a fuller picture of students' work ethic/drive. The survey includes questions regarding students' interactions with professors, the time students spend reading and preparing for class, and students' participation in co-curricular and pro bono experiences.<sup>223</sup>

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222. See *id.* at 294.

223. *Law School Survey of Student Engagement*, LSSE (2015), [http://lssse.indiana.edu/pdf/lssse15\\_online\\_survey.pdf](http://lssse.indiana.edu/pdf/lssse15_online_survey.pdf).

In addition, the results suggest that alternative measures of work ethic/Work Drive should be considered. Specifically, behavioral measures of law student work ethic/drive should be constructed to more fully capture the impact of work ethic/drive on academic performance. The current study focused only on students' self-reported work ethic/drive. A behavioral study would identify a specific task linked to work ethic/drive, invite students to complete the task, and then explore whether the student's performance on the task is related to their academic performance. Among undergraduate students, such measures have included assigning students a task with an optional additional task, and exploring whether the students' choices were correlated to their responses to the MWEP.<sup>224</sup> In the law school context, such measures might include requiring all students to complete a formative assessment, such as a set of practice questions, and offering the same group of students an additional set of similar practice questions. Statistical analysis could reveal whether there is any relationship between students' choice to complete the additional questions and students' performance on a formative assessment, summative assessment, or course grade.

## VI. CONCLUSION

The task of understanding the attributes that impact law students' academic performance is a bit like trying to put together a puzzle when all the pieces have not yet been identified or defined. This paper has clarified the task by identifying and defining one of the pieces as "Work Drive" and has revealed that Work Drive matters. The paper has also provided a sense of the evolution of the work ethic/drive construct and summarized findings around work ethic/drive among other student populations. In addition to finding that law students' Work Drive impacts their academic performance, the paper has offered suggestions for how law schools can use that information in working with new students and students who seek to improve their academic performance. And finally, the paper has recommended next steps for the continued study of work ethic/drive among law students.

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224. See, e.g., Parkhurst et al., *supra* note 108, at 578 (correlating students' MWEP responses to their choice to complete the optional assignment).

VII. APPENDIX A

**Academic Success Survey**

**Introduction**

Please provide your first and last name. Note that all of the information you provide below will be kept in strict confidence.

First and Last Name \_\_\_\_\_

**Survey Instructions**

Below, you will find a list of statements. Please read each statement and then rate how well the statement describes you.

1. One should stay busy and not waste time.
2. I feel content when I have spent the day working.
3. One should always take responsibility for one's actions.
4. I would prefer a job that allowed me to have more leisure time.
5. Time should not be wasted; it should be used efficiently.
6. I get more fulfillment from items I have had to wait for.
7. A hard day's work is very fulfilling.
8. Things that you have to wait for are the most worthwhile.
9. Working hard is the key to being successful.
10. Self-reliance is the key to being successful.
11. If one works hard enough, one is likely to make a good life for oneself.
12. I constantly look for ways to productively use my time.
13. One should not pass judgment until one has heard all the facts.
14. People would be better off if they depended on themselves.
15. A distant reward is usually more satisfying than an immediate one.
16. More leisure time is good for people.
17. I try to plan out my work day so as not to waste time.
18. The world would be a better place if people spent more time relaxing.
19. I strive to be self-reliant.
20. If you work hard you will succeed.
21. The best things in life are those you have to wait for.

22. Anyone who is able and willing to work hard has a good chance of succeeding.
23. You should treat others as you would like to be treated.
24. I experience a sense of fulfillment from working.
25. People should have more leisure time to spend in relaxation.
26. One should control one's destiny by not being dependent on others.
27. People should be fair in their dealings with others.
28. A hard day's work provides a sense of accomplishment.
29. I have more energy for schoolwork than most students.
30. I always try to do more than I have to in my classes.
31. Even if I won a million dollars, I would study hard to make good grades in school.
32. I like to do more than my professors require in class.
33. Being a good student means a lot to me.
34. I study more than most students in my classes.
35. People who know me well would say I have an exceptionally high energy level.
36. My friends say I study too much.
37. I don't mind putting in very long hours of study if it helps me make good grades.