The Practice of Law Is Tough on Lawyers

More than 20 years of research shows that lawyers experience:

- the highest rate of major depressive disorders of any of 104 occupational groups (generally 2-4 times that of the general population),¹
- rates of anxiety, phobia, and interpersonal sensitivity 5-15 times higher than in the general population,²
- high levels of suicide and substance abuse,³ and
- significantly lower levels of happiness than their socio-economic peers⁴.

Although this last point may seem trivial compared to the other items in the list, the research strongly suggests that happy people perform better, help others more, and are more successful.⁵ (Let’s treat “happy” as short hand for people who frequently experience positive emotions (even very mildly), who experience negative emotions much less often than positive, and who generally judge their lives to be satisfactory.)

The adverse consequences of learning to “think like a lawyer” in law school and then practicing law amidst the challenges noted above are also well established. Elizabeth Mertz has documented how law professors at law schools across the country commonly follow a hidden curriculum of teaching law students to disconnect from their values.⁶ Multiple studies have noted the high levels of depression, anxiety, alcoholism and other forms of substance abuse that attorneys suffer, the most recent and best a study funded by the ABA and the Hazelden Betty Ford Foundation.⁷ Attorneys as a whole were found to be almost 75% more likely than the general public to exhibit problematic drinking behaviors, and young attorneys (under 30) were almost three times as likely. Depression among attorneys was measured at a phenomenal 28%, again about three times the national average.

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² Id.
³ Id.
⁴ Analysis by the author of over 80,000 records from a 15-month period at www.authentichappiness.org.
⁷ Krill, P. R., Johnson, R., & Albert, L. (2016).
Before we look more at the law, let’s see what we can learn from another organization where individuals do difficult jobs for the benefit of society but that place them under intense personal pressure: the United States Army.

Learning from the U.S. Army

"Who has some good stuff to share?" I was standing in front of a room of sixty Army sergeants at the Army’s new Military Resilience Training School in Fort Jackson, South Carolina. Sharing good stuff that had happened in the last 24 hours was how we started each day of training. (An exercise called "Hunting the Good Stuff" was one of the resilience skills taught in the program.)

A female sergeant in the front row raised her hand. "I took my husband out for dinner last night," she said. (Obviously, she was stationed at Ft. Jackson.) "Any particular reason?" I asked. "No, just to let him know what a good husband he is," she said. Later that day, I was chatting with a group of participants. The woman who had shared that morning was in the group, but I did not make the connection. I asked, "How did y’all come to be in this class?" She spoke up and said, "My husband went through the program some months ago."

"Did it make a difference?" I asked.

"New man," she said with a smile, "New man."

"Well, I hope you let him know," I replied.

Her response: "Why do you think I took him out to dinner last night?"

The U.S. Army’s Efforts to Develop a Culture of Resilience

In 2008, the U.S. Army recognized it had a problem – or, rather, multiple problems. Since 9/11/2001, the Army’s responsibilities on multiple fronts around the world had exploded. Between major conflicts in Afghanistan and Iraq, plus other "hot spots" and sources of ongoing strain (e.g., Korea), the demands on the officers and enlisted soldiers in the Army had multiplied. Soldiers were deploying to combat missions for a year or longer, returning home for sometimes less than a year, and re-deploying to combat on repeated basis. By 2008, many Army personnel had three or more combat tours of duty on their record. Moreover, these tours were tremendously demanding. The Chief of Staff of the U.S. Army, General George W. Casey, Jr., wrote, "It is not uncommon to find a junior officer or enlisted soldier who serves as a warfighter, counterinsurgency expert, public works official, intelligence gatherer, and peacekeeper – all in the same day." The effects of this sustained "operations tempo" were mounting up. The suicide rate and the incidence of Post-Traumatic Stress Disorder ("PTSD") were going up, and the strain on families was starting to show.

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9 Id.
In addition, the Army had a culture problem. When it came to soldiers needing help to avoid outcomes such as drug abuse or suicide, the general mindset that "asking for help is a sign of weakness" worked against soldiers. As General Casey wrote:

> We also face cultural challenges. Our Army Values and Warrior Ethos play a significant role in how we see ourselves and, therefore, in how we choose to behave. The prevailing view among many within our ranks is that having problems with stress or seeking help is not only inconsistent with being a warrior but also a sign of weakness. This way of thinking has led to a stigma associated with receiving help and, therefore, an aversion across much of the Army to seeking behavioral health care.\(^\text{10}\)

Thirty-four percent of soldiers thought asking for help would harm their careers, 40% thought their leaders would blame them for the problem, and over 50% thought they would be seen as "weak."\(^\text{11}\)

Beyond "fixing problems," the Army wanted to help ALL soldiers function more effectively. For this goal, however, there was an additional source of ingrained resistance to resilience training: the aversion to all things that sounded "touchy-feely." During the "pilot" resilience trainer training in Philadelphia in 2009, General Casey addressed the soldiers in the class midway through the training. A reporter for the *New York Times* was in the back of the room and reported thusly on one part of the discussion:

> In an open exchange at an early training session here last week, General Casey asked a group of sergeants what they thought of the new training. Did it seem too touchy-feely?

> "I believe so, sir," said one, standing to address the general. He said a formal class would be a hard sell to a young private "who all he wants to do is hang out with his buddies and drink beer."\(^\text{12}\)

I was there for that training. It was an electric moment. My memory is that the soldier used the words "touchy-feely," not once, but twice. Quite surprisingly, however, that soldier's job was to teach the resilience training skills to future drill sergeants – his initial skittishness notwithstanding. After experimenting with one or two of the skills in dealing with difficult leadership challenges, he went on the[sic] embrace them and ultimately became one of the strongest leaders of the program, someone who convinced many soldiers to try the skills.

The Army's overall response to the challenges Gen. Casey perceived included the development of the training program that soldier was involved in: "Comprehensive

\(^\text{10}\) Id.

\(^\text{11}\) Id.

\(^\text{12}\) Carey, B. (2009, August, para. 8-9.)
Soldier Fitness,” later re-named “Comprehensive Soldier and Family Fitness” (CSF2). This program consists of four components:

1. **Mandatory Assessment** – a new assessment instrument, the Global Assessment Tool (GAT), was developed to measure resilience and psychological health. All soldiers and Army civilian personnel are required to take this assessment annually. The individual results are confidential, but for research purposes they can be studied in connection with health, performance, and promotion data.

2. **Ready Access to Targeted Interventions and Reminders**: On-line self-help modules tailored to the results of the GAT.

3. **Regular Mandatory Training**: Resilience training begins with “Basic Combat Training,” and continues throughout a soldier’s career. It is now a mandatory component of every Army leader development school. It is also required training on a regular basis for each unit.

4. **Development of Effective Training Methods and Processes**: Recognizing that resilience skills must not just be “taught,” but are most likely to take root when “caught” from others, the Army rolled out a two-week “train-the-trainer” program for developing “Master Resilience Trainers” (“MRTs”) who would conduct routine training down to the unit level. Originally led by teams from the University of Pennsylvania, the Army developed trainers internally. As of December, 2017, the Army had trained over 46,000 MRTs (Obviously, retirements make the number available to the Army currently somewhat smaller.)

**The Skills Developed in Resilience Training**

The Master Resilience Training program teaches the mechanics of 14 skills and gives those who complete the program a method for teaching each skill, including didactic components (slides, instructor notes) and practice exercises for those they teach. The MRTs learn by first receiving the program, then practicing teaching it.

The 14 skills (in the order they are taught in the MRT program) are:

1. **Goal Setting**: Despite the name, this skill is about goal achievement. It focuses on intrinsic motivation and selecting goals that align with your values and identity. Once the goal is established, the program teaches a seven-step process for planning, monitoring, and adjusting actions to achieve long-term goals.

2. **"Hunt the Good Stuff"**: Write down three good things that happened each day and a sentence of reflection about each one. Why did it happen? What does it mean? What can you do tomorrow to have more such experiences? How did you

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13 Id.


15 Personal communication, Stanley Johnson, Primary Instructor, MRT School, Ft. Jackson, S.C.
or others contribute to it? This particular activity, though brief and seemingly simple, has been tested repeatedly and found to both increase well-being and decrease depression substantially.\textsuperscript{16} It combats the "Negativity Bias" we all share that makes us notice, remember, and give weight to negative events and pieces of information more than to positive ones.\textsuperscript{17}

3. **ATC:** This stands for "Activating Event, Thoughts, Consequences" and it is a foundational component of cognitive psychology. The skill involves separating what happened – "just the facts" – from our thoughts (beliefs, judgments, characterizations, evaluations, etc.) about what happened and the emotions and physiological/behavioral reactions and impulses driven by our thoughts (not by the event!). This skill also involves learning eight common patterns of thoughts that drive emotions, such as thoughts that could be categorized as dealing with "trespass" or "violation of rights" driving emotions of anger (or its close cousins, irritation, frustration, etc.) and reactions of aggression.

4. **Energy Management:** This skill introduces "Deliberate Breathing" both for simple body awareness and relaxation and as a method to induce positive emotions through visualization.\textsuperscript{18}

5. **"Avoid Thinking Traps":** Again going back to the basics of cognitive psychology, this skill teaches soldiers to identify – and get out of – six common thinking traps. The first two traps involve reaching conclusions about people and situations based on insufficient evidence or assumptions about another person's thoughts, feelings, or motivations. Taking personal blame for everything (a common lawyer trap – see the section below on lawyer personality) or blaming everything on others are the next two traps. The final two traps involve seeing the causes of adversity as lasting for a long time and affecting many areas of life. These are also common lawyer traps. This kind of thinking – assigning permanent and pervasive causes for adversity – leads to "Learned Helplessness" and depression. These traps can be avoided by finding some element of control.\textsuperscript{19} Thinking traps ensnare even high-functioning individuals occasionally, causing stress and strife in both personal and professional relationships.\textsuperscript{20}

6. **"Detect Icebergs":** This skill teaches soldiers how to dig deeper than their surface thoughts when their emotions and reactions "don't make sense," e.g., when thoughts of trespass or violation of rights lead to feelings of sadness rather than anger, or when their emotions and reactions are out-of-proportion to their surface thoughts. The term "Icebergs" is taken from *The Resilience Factor*, by


\textsuperscript{17} Baumeister, R., Bratslavsky, E., Finkenauer, C., and Vohs, K. (2001).

\textsuperscript{18} Although not cited as a source by the MRT program, see Benson, H., & Klipper, M. Z. (1992) for more.


\textsuperscript{20} For more on these traps and others, see Reivich, K., & Shatté, A. (2002).
For another approach to this same phenomenon but set more in the world of business, see *Immunity to Change* by Kegan & Lahey.22

7. "Problem Solving": This skill builds on ATC and Avoid Thinking Traps (with a nod to Detecting Icebergs) to help soldiers think more accurately and thoroughly about problem situations in their lives to find areas of control. Instruction includes specific attention to the Confirmation Bias (the tendency to see only what fits our beliefs) and its impact on our ability to see new possibilities.23

8. "Put It In Perspective": This skill teaches a 5-Step process to stop "catastrophizing"—when our minds go spiraling down into ever-more-unlikely worst-case scenarios and we stop thinking and acting productively. Again, see *The Resilience Factor* for more on an earlier version of this skill.

9. "Mental Games": This is a quick skill to break an unproductive pattern of thinking and allow a re-focus on the task at hand. Games such as naming a movie star for each letter of the alphabet, reciting song lyrics, etc., can absorb attention for a few minutes, produce some "fun" (i.e., positive emotions), and help re-set a potentially derailing thought process.

10. "Real Time Resilience": This skill utilizes both ATC and Avoid Thinking Traps to help rebut that counterproductive voice in our heads that can start to tear us down just when we need to perform. It is an "in the moment" skill that, with practice, can become virtually automatic.

11. "Identify Character Strengths in Yourself and Others": Participants take the "Values in Action" Inventory of Character Strengths (the "VIA") and then explore their results, comparing them with those of society at large and MRT participants. Participants also delve into how their strengths have shown up so far in their lives, the "Shadow Sides" of the various strengths, and more.

12. Character Strengths: Challenges and Leadership: An afternoon session on "strengths day" focuses on how one's unique strengths can be used to meet challenges and to become a better leader.

13. Assertive Communications: Participants focus on communication, including how (and when) to be assertive in the context of difficult interpersonal situations. Although not cited as a resource in the MRT program, *Your Perfect Right* by Alberti and Emmons24 is a good resource to learn more about this approach. The MRT program adds depth to this skill because participants can apply ATC, Avoid

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21 *Id.*


Thinking Traps, Detecting Icebergs, and Problem Solving before engaging in a difficult conversation.

14. **Effective Praise and Active Constructive Responding**: Effective Praise is drawn from the "process praise" of Carol Dweck's work on "mindsets." Active Constructive Responding focuses on the importance of how we respond to good news from a person we are communicating with as a tool for building and sustaining close relationships.

**Is it Working? Research Says…**

The CSF2 program and the MRT component thereof are massive efforts by the Army. They absorb time and money that could be spent elsewhere. Knowing this going in, the Army established an evaluation program led by the Walter Reed Army Institute for Research. The evaluation team has conducted follow up research to measure the results, and issued four "Technical Reports."

The first two reports looked at correlations between soldiers' resilience/psychological health as measured by the Global Assessment Tool (GAT) and outcomes of interest to everyday Army function and performance. They found that soldiers with greater resilience/psychological health were:

- More likely to be promoted ahead of schedule.
- More likely to be promoted to command positions.
- Less likely to test positive for drug use.
- Less likely to commit violent crimes.
- Less likely to commit suicide.

These two reports basically validated that the GAT measures qualities that matter for Army performance, and in life.27

The third report assessed eight groups of soldiers ("Brigade Combat Teams" or "BCTs"). Four of the teams had MRTs (soldiers who had completed the 2-week train-the-trainer program and who were responsible for training other soldiers in addition to their normal duties) embedded with them as part of the company, and were designated as the "treatment" units. Four of the BCTs did not include MRTs during the evaluation period, and thus served as the "control" groups. In each group, three of the BCTs were actively deployed during the evaluation period. This evaluation found that:

- Soldiers in the units with MRTs had higher resilience/psychological health at the end of the evaluation period.
- The training was most effective for younger soldiers (18-24 years).
- There was no evidence of any adverse effects from the training.

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The amount of impact (effect size) for the training was equal to or greater than other population-level interventions.\(^{28}\)

The fourth report looked at results for over 7,000 soldiers based on whether they had resilience training or not, taking into account whether they had been deployed during the evaluation period.\(^{29}\) This report used more sophisticated statistical methods and confirmed the basic findings of the Third Technical Report. It found that soldiers who received the training from MRTs reported greater optimism, adaptability, coping skills, friendship, and character strengths. They were also significantly less likely to be diagnosed with a substance abuse problem.

**But Can a Deeply Entrenched Culture Really be Changed?**

As noted above, the Army also believed it had to address two fundamental sources of ingrained resistance: that the skills were too "touchy-feely," and that asking for help was a sign of weakness. (Sound familiar?) The best evidence of this so far is in the stories told by MRT participants and their motivations for attending training. Initially, participants were assigned to the training by their commanding officers. As you can imagine, the skepticism and resistance was high. Over time, soldiers and family members began to see positive changes in those who had been through the program. The story that began this paper of the wife who wanted the training because it helped her husband become "a new man" is one such story. The journey from skepticism to proponent by the participant in the early training who was quoted in the *New York Times* is another (*supra*, fn. 5 and accompanying text).

Another illustrative story was reported in the September 2011 edition of *NCO Magazine*. Sgt. Hernandez Sanchez was assigned to one of the very first MRT training programs, then sent to the MRT school at Ft. Jackson. Like many others in the early classes, she showed up for the training thinking it had to do with physical fitness, not mental fitness. (An earlier Army program for "Master Fitness Trainers" contributed to this confusion.) Here is how she described her experience with MRT:

> When I went through the course in 2009, I didn't believe in the course. I thought it was a bunch of mushy stuff… I didn't think it was going to work. It wasn't until probably about three or four weeks after I left, when I decided to try one of the skills that I had learned, [and found] that it actually worked in the situation. So I thought I'd try something else in a different situation. It got to the point where I was trying different skills in different situations, and it was working. That's when it started to make sense to me.\(^{30}\)

The Army has also sought to address the other culture challenge – asking for behavioral health support without fear of repercussions, or being seen as "weak." One approach, of course, was to address this subject, head on, during the training. But perhaps even more effective was the coordinated effort to publicize the stories of soldiers who sought help.

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and then carried on with their careers. Here for example, is part of a story in a Military Health Systems Office release from earlier this year:

Retired Sgt. 1st Class David Parish is promoting the "get help" message through his involvement with the Defense Centers of Excellence for Psychological Health and Traumatic Brain Injury's Real Warriors Campaign. In 2001, about six years into his military career, Parish attempted suicide.

"I was struggling with so many different things," Parish said, including a toxic personal relationship and striving for unattainable perfection on the job. "I was exhausted from masking everything, putting on this face every single day to go out into the world and pretend everything was fine."

One day, Parish swallowed a handful of pills. He was barely conscious when his roommate came home and called 911. Parish spent about a week in the military hospital and then another week in a civilian facility before continuing with regular psychological health therapy sessions.

He chose to separate from the military, then re-entered a year later at the same rank. He retired in 2016 with 21 years of service.

"I didn't die, but I was definitely reborn," said Parish, who spent the last seven years of his military career as a lead instructor for resilience training. "I strongly encourage anyone to ask for help before it's too late."31

David Parish went through his first MRT course under me, and later served on multiple training teams with me. He was a dynamic trainer who was particularly gifted at making connections between the skills and Army life. Video profiles of David and other soldiers can be found at https://www.realwarriors.net/multimedia/profiles.php.

**Lessons for Lawyers and the Legal System?**

There are numerous similarities between soldiers and lawyers. We both undertake tasks for society that are very important, but that can impose huge personal costs.

The tasks for soldiers involve armed conflicts with external forces. Lawyers frequently wade into the toughest interpersonal conflicts our society produces, with the charge that we resolve them, or at least mitigate their consequences, one way or another, using the tools of our trade. The outcomes lawyers seek (or seek to avoid) may involve substantial amounts of money, a person's livelihood, or the very future of a family. These disputes often involve conflicts in the fundamental values that we and our clients hold dear; such disputes frequently cannot be resolved by simply "doing the right thing." Disputes and negotiations can involve zero-sum components, with "winners" and "losers" (and "win-win" outcomes few and far between), which only increases the pressure to succeed. Much like soldiers, we do our work in an adversarial context with a trained opponent on the other side. (Doctors do not worry about another doctor interrupting a surgical procedure.)

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procedure in an effort to see that the patient dies!) Often, we have to do things that cause others emotional or even physical pain (cross-examining a witness, facilitating corporate layoffs). And, we do all of this in cultures focused on rules and authority, verbal facility, and, for private practitioners, extrinsic rewards (most notably money and status). These aspects of the practice of law constitute what I can "Law's Five Challenges to Thriving":

- Values Conflicts
- Zero-Sum, High Stakes Conflicts
- Adversarial Skills
- Necessary Evils for Questionable Justice
- Legal Culture/Lawyer Personality Interaction

**Thriving Challenge #1: Values Conflicts**

Societies around the world endorse a common set of ten categories of values. These are core values endorsed by most individuals, but the values are in conflict; they pull against each other. Shalom Schwartz, the originator of this research, has found that these values exist in a circumplex relationship. The values closest to each other are harmonious – they can often be pursued together. The values across the circle from each other are more likely to demand thoughts, beliefs, feelings and actions that are incompatible.

Many legal conflicts involve disputes where values are so in conflict that non-legal resolution methods fail. Criminal cases may pit the rights of the accused and safeguards on government overreaching (Self-Direction) against safety and security for society in general (Security). For example, think of *Miranda v. Arizona*, which pitted the interest of our society in Security (along with a bit of Tradition and Power) against the rights of an accused to Self-Direction (and, perhaps a bit of Universalism – treating all as if innocent and as you would want to be treated.) Divorce cases may pit a parent’s opportunity to advance in his or her career (Achievement) against the value of the other parent's presence in the children's lives made possible through geographic proximity (Benevolence, Tradition). Few, if any, legal cases are good vs. evil. Almost all involve either one value against another to which it is opposed (*i.e.*, across the circumplex) or one person's pursuit of a value vs. another person's pursuit of the same value, *e.g.*, power for both sides in a business transaction.

Because law deals with conflicts that cannot be resolved by a resort to values, law school teaching subtly (and without conscious intent by law professors) trains students to treat arguments based on values, social consequences, and ethics as "throwaways.”

In research stimulated by attending law school later in life, linguistics researcher Elizabeth Mertz discovered that one of the primary results of legal education was to

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disconnect students from their values. Having become intrigued by what she saw in her own law school education, she obtained a grant and had a team of researchers observe, record, transcribe and analyze the first year contracts course at eight law schools around the country. The schools ranged from most elite to most accessible, and the professors were diverse as to age, race, and teaching style (semi-Socratic to almost pure lecture). However, in every course her team discovered the same dynamics: legal precedents are carefully parsed, but arguments from values were made and countered without rigor or seriousness, thus sending a message that values are not useful. This consistent classroom dynamic caused her to conclude that one of the primary results of law school education is to detach law students from their values.34

Thriving Challenge #2: Zero-Sum, High-Stakes Conflicts

Zero-sum conflicts exist where one participant's gain is necessarily at the expense of another participant's loss. Such conflicts are also known as win-lose, as opposed to win-win. This zero-sum aspect is clear in litigation, but it also exists in business negotiations where, ultimately, a deal is only done if it benefits both parties. Even though the overall transaction may be a non-zero,35 within the range of price/commitments that let the deal move forward is an area of zero-sum conflict. Zero-sum conflicts elicit negative emotions such as fear of loss, anxiety over consequences, or anger at tactics.

Negative emotions run especially high when, as in most legal disputes, the conflicts involve very high stakes such as personal liberty or fortunes. Further, performance in such situations may well be enhanced by such emotions. Just as an individual under physical attack may perform better if he or she becomes angry, many attorneys use anger as fuel for their advocacy. Of course, there is a price for living in a constant state of low-simmering anger. And, note the "may" – an angry emotional state can also impair our performance as advocates by narrowing our focus. Attorneys face substantially more zero-sum situations than other professionals, and also face them with a skilled, trained adversary on the other side. This aspect of practice can result in unusually high levels of negative emotions, in the tendency to damp down all emotional responses, or both. Either way, the impact upon the "broaden and build" effect of positive emotions on relationships, achievement, and general well-being is quite corrosive.36

Thriving Challenge #3: Adversarial Skills

The lawyer's role in resolving values-laden, zero-sum conflicts (or in negotiating agreements to avoid them) often requires the use of adversarial skills. We are trained in how to argue, but we are not trained in how to argue and maintain a relationship. We are also not trained in when not to use our adversarial skills. We are not equally skilled in other forms of communication such as appreciative or assertive approaches. Our training elevates adversarial skills to the highest form of discourse. Attorneys often judge

34 Id.

35 For a fascinating exploration of the concept of "non-zero" and its impact on human society, see Non-Zero: The Logic of Human Destiny by Robert Wright.

36 Seligman,M., Verkuil, P. & Kang, T. 2001
intelligence and ability in a lawyer by their skill in verbal combat. As a result, we can become adversarial. It becomes our stance toward any disagreement or conflict. We are often not as good at appreciative, collaborative exploration of possible solutions, so we go straight to adversarial argument. This adversarial stance can create zero-sum situations where none may have existed before. At the very least, it sets us up for more frequent and stronger negative emotions.

**Thriving Challenge #4: Necessary Evils for Questionable Justice**

A "necessary evil" occurs when a professional must inflict emotional or physical pain upon another human being in service to some higher good. A doctor performing surgery commits a necessary evil by inflicting pain and injury on the patient in service to the patient's ultimate health. Lawyers not only must frequently participate in necessary evils, they must often do so in the fully conscious presence of the recipient of the harm, and with a skilled adversary arguing that the behavior is not necessary. So, whether it is a criminal defense attorney cross-examining a child witness in a child sex abuse prosecution, a civil trial practitioner arguing that the fault for a plaintiff's injury rests with the defendant, an employment law practitioner advising on how to fire an employee or close a plant, or any one of hundreds of other situations, lawyers are routinely engaged in necessary evils. The result is often either an excess of negative emotions or an attempt to avoid all emotionality.

**Thriving Challenge #5: Legal Culture/Lawyer Personality Interaction**

Because of the effects of the factors listed above, and the inability of attorneys to adopt alternative attitude/behavior sets in non-lawyering situations, lawyers often utilize adversarial, non-emotional (or negatively emotional) approaches with each other in non-adversarial situations, including with their colleagues in law firms or legal departments. Some even take these attitudes and behaviors home. The result is that lawyers frequently exist within organizations and offices that are not sufficiently positive to allow even moderately successful functioning. For an individual, a couple, or a business unit, positive emotions (even brief and mild) and interactions must outweigh negative ones by at around 3:1 for the individual, couple, or organization to experience the highest levels of success.

**Lawyer Personality as an Element of Legal Cultures**

Another factor that affects legal cultures is typical lawyer personality patterns. Thanks to the work of Larry Richard, JD, PhD., we know something about lawyer personality. Lawyers differ from the average American in these key areas:

38 Molinsky & Margolis, 2005.
41 David N. Shearon was for several years partner with Larry Richard and Paula Davis-Laack in Lawyer Strong, LLC to provide resilience training to law firms.
Lawyers are very **HIGH in:**

**Skepticism:** Lawyers average the 90\textsuperscript{th} percentile.\footnote{43} Lawyers are skeptical about more than just facts. Here's the definition of skepticism as measured by the instrument Dr. Richard has used in this research: "A concern with the attitudes of others towards oneself." High score: indicates a skeptical or doubting attitude; tends to judge others. Low score: indicates trusting, gives benefit of the doubt.

**Benefits in Law:** Helps lawyers test everything, look for adverse evidence, risks, and threats to clients. Also helps lawyers remain objective about what their clients say.

**Risks in Life:** Extremely high levels of skepticism can be corrosive in close relationships, not only family and friends, but even colleagues in practice. Further, it is easy for lawyers to turn their skepticism inward so they begin to doubt themselves.

**Autonomy:** Lawyers average the 89\textsuperscript{th} percentile. Autonomy is a measure of the need for independence. Lawyers like feeling like they're in control of their world, and don't like being told what to do by others. High score: independent, autonomous, may resist being managed, may bristle at being told what to do. Low score: Looks to external rules, hierarch or client preferences for guidance; likes rules, procedures.

**Benefits in Law:** Aligns with a lawyer's duties as an advocate and fiduciary.

**Risks in Life:** Can interfere with cooperation and collaboration. Can interfere with seeing guidance or asking for help when needed.

**Abstract Reasoning:** Lawyers average the 82\textsuperscript{nd} percentile. Abstract Reasoning is a measure of how much an individual loves analytical thinking, problem-solving, and intellectual challenge. This is one of the principal reasons that lawyers choose to enter the legal profession, as well as a main reason that they stay. High score: interested in thinking, analyzing, logic; loves to use one’s intellect; likes solving problems. Low score: more pragmatic, may be "anti-intellectual."

**Benefits in Law:** Law routinely fits real-world situations to abstractions such as "cause of action" or "elements of a contract." We even fit people into abstractions, e.g., "plaintiff" or "buyer." (But, consider the effect of talking in abstracts if your clients are more pragmatically oriented!)

**Risks in Life:** Abstract thinking often focuses on broad and long-lasting causes and the implications and consequences of events. For adversities, such thinking can create a negative emotional balance or even depression and often interferes with problem solving by minimizing control.

\footnote{42} Dr. Richard’s work has focused primarily on attorneys in large law firms. It is possible these traits differ for attorneys in other practice settings.

\footnote{43} Richard, L. (2002).
Urgency: Lawyers average the 71st percentile. Urgency is a measure of an individual's sense of immediacy and a need to get things done. High score: impatient, results-oriented, need for "closure." Low score: patient, you take your time, like a slower pace; relaxed.

Benefits in Law: Clients want responsiveness, and most lawyers are dispositionally suited to be responsive because they have a built-in sense of urgency.

Risks in Life: Some things take time; frequent impatience damages relationships.

Lawyers are very LOW in:

Resilience: Lawyers average the 30th percentile. Resilience is basically a defense mechanism. It measures how thick- or thin-skinned you are in the face of criticism, rejection or setbacks. Also a measure of how well you bounce back from such events. High score: thick-skinned, "rolls with the punches," tolerates criticism or rejection well, positive self-image. Low score: more self-critical, less tolerant of criticism, rejection; self-protective, may be oversensitive; thin-skinned; may sulk or ruminate, feel wounded, or get defensive when rejected or criticized.

Benefits in Law: Self-critical analysis can provide a starting point for improving knowledge, skills, and sustained effort.

Risks in Life: Can obviously hurt relationships. Makes it difficult to maintain the positive emotional balance that supports productive action.

Sociability: Lawyers average at the 12th percentile. Sociability measures how comfortable one is initiating new intimate relationships; the ability and desire to be with and work with people. High score: enjoy being with others; warm, likes "connecting" at an intimate or emotional level, even with strangers; authentic. Low score: tend to be more comfortable when not expected to interact with others on a regular basis; more comfortable with known relationships rather than initiating new ones; often prefer communicating at the intellectual level; may judge a focus on relationships or related issues to be "touchy-feely."

Benefits in Law: Helps lawyers maintain objectivity. Especially when combined with high autonomy, can make the environment in legal organizations seem a bit more comfortable.

Risks in Life: Other people matter. Low sociability makes it harder for lawyers to maintain a rich, supportive social network.
Interaction between Law School, Lawyer Personality, and the Five Challenges

Is the lawyer personality innate or learned? As with most nature vs. environment discussions, the most likely answer is both. We do not yet know how much the differences Dr. Richard has observed are present in beginning law students. Although some of these characteristics seem less subject to being learned, others, such as Skepticism, can be brought out or diminished in an individual by experience. Law training and practice certainly pushes lawyers to doubt everything and everyone.

To the extent that you partake of some of the characteristics of the lawyer personality, the challenges of law may have more impact (and, to the contrary, may make some aspects of the profession rewarding). Here are a few possibilities:

- **Values** – Once law school tips the trajectory toward skepticism about values and a tendency to disconnect, the high skepticism of lawyers may continue the process even further. This can leave us prone to disconnect from our values, to see ourselves "wearing the white hat" in service to important values and lawyers on the other side as dishonorable or motivated only by money.

- **Relationships** – One of the keys to well-being, in fact, maybe the key, is strong, close relationships. Skepticism causes lawyers to doubt people as well as ideas or statements of fact. High Autonomy and low Resilience (being thin skinned, self-critical, taking it personally) coupled with our low Sociability levels can make it difficult to maintain an adequate base of close personal relationships, much less a rewarding set of professional relationships. As a result, we may see some win-win situations as Zero-Sum and be too quick to deploy our formidable (and intimidating) adversarial skills.

- **Necessary Evils** – the impact of this challenge may well be magnified by our tendency to take things personally.

The damage these challenges inflict, both in law school and for practicing lawyers, is as discussed above, now well documented. However, quantifying the risks to attorneys and identifying the far ends of dysfunctionality are only the initial steps in understanding the real challenge facing those of us who work for improving lawyer competence. Neither depression nor alcoholism is a "have it or you don't" experience. Both can impair performance even at levels that may not quite reach clinical thresholds. In other words, attorneys who are neither alcoholic nor depressed may still lack commitment, energy, and engagement with their practices.
In a 2007 survey, the Tennessee Commission on Continuing Legal Education asked a random sample of Tennessee attorneys their opinion regarding which of several possible factors was the cause of poor lawyering when they observed it in their practices. Forty-three percent (43%) indicated "Lack of law practice management skills," 41% picked "Lack of commitment, energy, and engagement," and only 16% went with "Lack of substantive knowledge of the law." Further, when reading the comments that came back with the survey, many who picked "Lack of law practice management skills" or "Lack of substantive knowledge of the law" admitted that those deficits were often directly attributable to a lack of commitment, energy, and engagement.

Furthermore, we have some evidence that, as with the Army, training in resilience skills can help. After finishing the MAPP program in 2006, I was asked to speak at a Tennessee Bar Association CLE event, then at other bar events, local and state, and for organizations such as the Tennessee District Attorneys General conference. After two years, I studied the CLE Commission’s records and realized I had spoken to over 900 attorneys during that time period. With the Commission’s permission, I surveyed those attorneys to see if our work had any effect. What I learned matched up with the experience of the Army MRTs – those that used the skills found that they made a difference. Those using the skills were three times more likely to report that their commitment, energy, and engagement in practice was somewhat or much improved. And 60% had taken action.

Bar & Organizational Responses to Law’s Five Challenges to Thriving

Obviously, the legal system has no equivalent to the Chief of Staff of the Army. No individual can insure that adequate time and resources are devoted to improving lawyer resilience, and no one can require attorneys to take the training. So, we must get leadership from multiple sources and develop multiple delivery mechanisms.

Law School Changes: Obviously, the sooner these skills can be taught to young lawyers, the better. Since the damage to attorneys starts in law school and is amenable to improvement through changes in law school practice as well as specific courses in

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45 Id.
resilience, the organized bar should exert pressure to overcome the complacency and comfort of law school faculty that keeps even dedicated deans from leading change in this area.

**MCLE Accreditation:** Given the prevalence of MCLE requirements in the United States and Canada today, we should devote consistent and sustained efforts to getting regulatory bodies to adopt regulations that specifically approve a broad range of training in skills such as those included in the Army's MRT program (plus others that may be relevant for lawyers). One positive step in this direction is the recognition of "wellness" training in the new ABA Model Rule on CLE, although unfortunately that rule fails to specifically endorse accreditation of such training. Rather, it is treated as an option and identified for further future consideration. An example of much stronger approval language can be found in Regulation 5H.2 of the Tennessee Commission on Continuing Legal Education giving dual (counts for either ethics or general requirement) to a broad array of topics similar to the resilience skills in the Army program.

**Law Firm Training:** In states that allow MCLE credit for in-house programs, law firms can lead the way in some of these areas. For a number of reasons involving the structure of large law firms and the incentives and culture frequently present, many are skeptical that this will be a significant source of change. However, a number of nationally prominent law firms have begun exploring wellness initiatives and even rolling them out for their attorneys and staff, so stay tuned on this front.

**"Bridge The Gap" Programs:** Although the value of these skills for young lawyers is even greater because they can be applied over the full course of a legal career, it can be difficult to get young lawyers to recognize the value and pursue the skills. They are focused on establishing their competence in the law and unwilling to allow any hint of weakness to show through. (See the discussion of Army culture above.) "Bridge the Gap" and other mandatory new-lawyer programs could deliver training in some of these skills to all young lawyers without stigma, and perhaps interest many in further learning.

**Mentoring Programs:** Mentoring programs are a great venue for training in these skills. While trying to develop a mentoring-for-CLE-credit program in Tennessee, the Commission on CLE provided nine hours of dual-credit CLE training for Mentors that drew upon many of the skills of this program. These courses received very positive evaluations from participants and were well attended throughout the effort, even though the mentoring program never "launched."

**Leadership Training:** The connection of these skills to leadership is not only obvious, it has been well explored and explained by leading business school researchers. See, for example, *Positive Leadership: Strategies for Extraordinary Performance.* Incorporating resilience skills into leadership training can be especially useful in organizations such as government agencies where lawyers exercise significant leadership responsibilities.

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47 "American Bar Association Model Rule" (2017). Section 4(B)(8) and accompanying comment.


49 Cameron, K. (2012).
**Lawyer Assistance Programs:** LAP personnel often have a background in the cognitive psychology basics underlying many of these skills. They may also have an interest in broadening their impact beyond mere "crisis response" or the medical model of treatment to a broader "steering the herd" approach.

**Personal Action Steps to Master Law's Five Challenges to Thriving**

"Put your own mask on first." That is the common instruction on commercial air flights. We cannot help those next to us until we have taken care of our own needs. So, before launching a leadership effort in one of the areas suggested above – or some other you may think of – perhaps your own thriving could benefit from some action. What follows are some concrete steps you can take to improve your wellbeing.

**Action Step #1: Measurement:** As noted above, the Army created its own dedicated wellbeing assessment. Fortunately, you do not have to do this; it has already been done. "Work on Wellbeing" is an online assessment that utilizes some of the best research of recent years to provide you with a personalized assessment, and for some pretty modest fees, you can use this assessment to get an overall report on the status of your firm or legal department. (Just like the GAT, an individual's results are not available to the organization – just the averages.)

- Go to [https://www.workonwellbeing.com/](https://www.workonwellbeing.com/) and take the assessment.
- Discuss your personal assessment with someone your trust. If your organization signs up, discuss the results with the leadership team.

**Action Step #2: Positive Emotional Balance – Right Spotting**

Positive emotional balance (experiencing significantly more moments of positive emotion than of negative) is a key component of wellbeing, enables sustained high performance in pursuit of goals, and helps us attract and maintain close, satisfying relationships with others. If your emotional balance is about even or less (1 positive emotional moment to 1 negative emotional moment, or less) you will behave in ways that are not as productive – personally, professionally, and in your relationships – compared to your behavior if you can tip that balance significantly more positive – say 3:1 or higher.51

A simple, subtle, but powerful way to begin to shift your emotional balance toward the positive is simply to notice what is right in your life already. Even if there are significant negatives – a stressful, unsatisfying work situation or personal relationships – there are still good things in your life, even in the areas that now seem "negative." As you begin to notice these, you will also begin to shift your behavior, what you show to others, and how you relate.52 You may find some of the negative areas "mysteriously" improving without your awareness or conscious action because of slight changes in you.

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50 The author has no business or financial relationship with the organization that developed this assessment.

51 Fredrickson, B.L. (2009).

Regardless, you can learn to notice and gain more satisfaction from the good things in your life with one simple activity.

The Army calls this skill "Hunt the Good Stuff." With lawyers, because of our training in "issue spotting," I call it "Right Spotting." It is a simple skill: simply take a few minutes once a day. Right before bed can help going to sleep, first thing in the morning can start the day off right, just before leaving the office can help with the transition to home and the ability to detach and rejuvenate each day. Multiple research studies have shown the following benefits including increased happiness, decreased depression, increased moments of positive emotion such as gratitude, improved psychological capacities such as hope and optimism, and improved physical functioning.\(^{53}\)

Simply think of three things that went right – something good that happened – since yesterday morning. Write a brief description of the good event, then write a thought about the event. Write whatever comes to mind. If you would like to use these sentence starters, each one has research behind it indicating it helps create productive patterns of thinking.

- Thinking broadly, this good thing was caused by…
- This good thing happened because I am…
- I can have similar good things in the future by…
- This good thing means…

Here is an example:

"It was foggy this morning and I enjoyed looking out on the new green on the trees as I made my first cup of coffee. The wonder of the outdoors is important to me and I can have more moments like this by simply stopping to pay attention – maybe each morning as I make coffee."

Your Right Spotting can include anything good or positive or pleasurable that happens in your life. It can be big events or small. Examples include:

- Beauty (nature, art, etc.), e.g., pleasing décor in an office
- Excellence in human performance and achievement, e.g., a new song you like
- Signs of progress in some area, e.g., shooting your best round of skeet ever
- Personal accomplishments, e.g., crafting a good argument or brief
- Moments of connection with others, e.g., a particularly cheerful clerk at a store
- Good fortune, e.g., finding a convenient parking place

Although the examples are of everyday, "small" events, you can of course do Right Spotting for big events – the birth of a child or grandchild, winning a big case, etc. If you keep your written reflections together, you can review them from time to time and see what patterns you notice. This can help you structure your days to have more such good moments, or it can alert you to areas where you might not be noticing the good things in your life or where you want to create more good things.

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If you keep your written Right Spotting reflections together, you can review them and look for patterns. This may lead you to notice new things, to try new activities, or to develop new patterns – all of which could boost your positive emotional balance.

**Right Spotting Together**

Obviously, this practice changes how we think. It can help you pay attention to what is going right in your life and maximize the boost you get from the good stuff. However, if done with someone close to you, it can also help you build and sustain relationships. Think about doing this activity regularly with a spouse, significant other, child, sibling, or close friend. Many people report this approach to the activity increases the payoff.

**Positive Emotions and Lawyer Performance**

Even when operating in our professional roles, we are still human beings. The scared or angry professional is going to experience narrowed focus and behavioral tendencies aligned with their emotional state. Likewise, the professional experiencing a brief positive emotional state is going to think more broadly, consider more behavioral responses to the situation, and create better momentary and long-term connections with others. The general principle is that happiness leads to success much more than success contributes to happiness.\(^{54}\) Further, various studies have shown that, when tipped toward a positive emotional state, individuals and groups use better strategies, better avoid stereotypes, are more inclusive, more creative, more motivated, and spend more time on difficult tasks.\(^{55}\) These are only a sample of the improved performance attributes of a positive emotional state. This is not to say that a positive (especially an energized positive state vs. a more calm positive state) is always best for every task. For example, individuals are usually better at executing steps in a complicated task or carefully weighing the merits of competing arguments when in a neutral or negative emotional state.\(^{56}\)

**Action Step #3: Discover, Explore, and Apply Your Character Strengths**

The Values in Action Inventory of Strengths\(^{57}\) (VIA) is one of the most used psychological assessments in existence. Since it was introduced approximately 15 years ago, it has been completed by millions of people, is the subject of a large and growing stream of research by psychologists around the world, and is included in training programs in schools, colleges, and the business world. It is the basis for the Character Strengths component in the Army’s Master Resilience Trainer training.

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\(^{55}\) Id. at 817-820.

\(^{56}\) Id.

The VIA identifies 24 "Character Strengths" that have been valued by almost every culture around the world and through thousands of years of history. Each strength has been the subject of substantial research. We know operational components, correlates, and often how to teach these strengths. Interestingly, law school seems to leech some of these strengths out of law students. While incoming law students endorse the strengths much like other Americans, lawyers endorse 21 of the 24 lower than average, some significantly so.58

You can take the VIA and get your personal report at: https://www.viacharacter.org/www/Character-Strengths-Survey. That site (operated by the not-for-profit that helped fund the development of the VIA) has a wealth of resources to help you understand, explore, and apply your Character Strengths. In so doing, you will likely be reconnecting with some of the values that law school challenged in you.

Once you have your report, try this research-based action. Pick one of your top strengths. Based on your VIA report, find a new way to use one of your strengths in the next week. For example, you might use Curiosity in a new way by trying to discover something new about your partner, or Love of Learning by visiting a previously ignored museum. This action can boost wellbeing and decrease depression substantially.59

**Action Step #4: Understand and Manage Your Lawyer Personality**

As noted above in the section "Lawyer Personality as an Element of Legal Cultures," many lawyers share aspects of a distinctive lawyer personality that helps them in the practice of law, but those personality components can be counterproductive in other areas of life if not understood and managed properly.

Here are three ways to begin to assess how much of the lawyer personality you exhibit and how it affects your life. **First, you can perform a self-assessment.** Remember however, that most of us are not very good at seeing ourselves accurately. If you try this, take your time, think deeply, and treat this mostly as a thought experiment.

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58 Unpublished analysis by the author of 15 months of VIA results from approximately 18,000 visitors at authentichappiness.com as compared to results for an incoming class of law students at a state university law school.

**Self-Assessment:** Rate yourself: (median for all lawyers is bold and marked!)

<table>
<thead>
<tr>
<th>Characteristic</th>
<th>Trusting</th>
<th>Extremely skeptical, Doubts facts, others</th>
</tr>
</thead>
<tbody>
<tr>
<td>Skepticism</td>
<td>10%</td>
<td>20% 30% 40% 50% 60% 70% 80% 90%</td>
</tr>
<tr>
<td>Autonomy</td>
<td>Looks to external rules, hierarchy or client preferences for guidance</td>
<td>Extremely independent, Works alone or directs others, bristles at being &quot;managed&quot;</td>
</tr>
<tr>
<td></td>
<td>10% 20% 30% 40% 50% 60% 70% 80% 90%</td>
<td></td>
</tr>
<tr>
<td>Abstract Reasoning</td>
<td>Pragmatic, maybe &quot;anti-intellectual&quot;</td>
<td>Thinking, Analyzing, Logic</td>
</tr>
<tr>
<td></td>
<td>10% 20% 30% 40% 50% 60% 70% 80% 90%</td>
<td></td>
</tr>
<tr>
<td>Urgent</td>
<td>Extremely patient, deliberate, relaxed</td>
<td>&quot;Let's wrap this up!,&quot; Very task-focused, Impatient, driven</td>
</tr>
<tr>
<td></td>
<td>10% 20% 30% 40% 50% 60% 70% 80% 90%</td>
<td></td>
</tr>
<tr>
<td>Resilience</td>
<td>Self-critical, takes indirect comments as criticism and worries about them, feels personally responsible, thin-skinned</td>
<td>Even direct, specific criticism is &quot;water off a duck's back&quot;, very confident</td>
</tr>
<tr>
<td></td>
<td>10% 20% 30% 40% 50% 60% 70% 80% 90%</td>
<td></td>
</tr>
<tr>
<td>Sociability</td>
<td>Prefer known relationships to new, Uncomfortable with expectations to Interact, communicate intellectually</td>
<td>&quot;Warm,&quot; connects quickly and deeply at emotional level with strangers</td>
</tr>
<tr>
<td></td>
<td>10% 20% 30% 40% 50% 60% 70% 80% 90%</td>
<td></td>
</tr>
</tbody>
</table>

**Second, you can ask someone (or several someones!) who know you well.** This route will take more time, but it also gets you external viewpoints. To do this, ask them to read the sections above under the headings "Lawyers are very HIGH in" and "Lawyers are very LOW in." Talk with them about each of those six characteristics to both better understand how they interpret the characteristic and to improve your understanding of the characteristics. Then ask them to use the assessment above and talk about which end of the scale they see you tending toward and how strongly. Ask for stories or examples that capture that characteristic in you.

**Third, you can get a professional administration of the Caliper Profile.** Dr. Larry Richard, a practicing lawyer who went back for a Ph.D. in psychology, is the leading thinker working with lawyers and law firms on lawyer personality and organizational
development and has been for several decades now. Although Dr. Richard and I worked as partners (along with Paula Davis-Laack) providing resilience training to law firms for several years, we no longer have any business relationship. However, he has indicated he will be willing to talk with participants in my seminars who wish to have a professionally administered and interpreted Caliper Profile. Of course, you can also seek out others who are certified to administer and interpret the profile, but if you wish to check with Dr. Richard, email him at drlarryrichard@lawyerbrain.com and mention that you are contacting him after being in this seminar.

**Manage Your Lawyer Personality:** If, through any of the approaches above, you determine that you match some aspect of the lawyer personality profile, then the question becomes what, if anything, do you need to do about it. Is our skepticism proving caustic to relationships? Would you like to be more trusting? Find relationships where you feel you can safely practice trust. Is your urgency getting in the way sometimes? This often happens at home, but it may also be affecting work, e.g., too busy to give clear guidance to others and thus getting back unsatisfactory work. Learn to notice the symptoms of your urgency kicking in and perhaps use the S.T.O.P. technique below to move toward the patient, deliberate, relaxed end of the spectrum.

**Action Step #5: Use Deliberate Breathing and Body Scan to Relax**

Practice deep (abdominal breathing). Enter "deliberate breathing guide" in your preferred search engine and you will find a number of instructions. Usually these involve a deep breath in for four or five counts, hold it for a time, then a slow exhale for 4-8 counts. Find what feels comfortable for you. Start by practicing for two minutes at a time once or twice a day. Expand the length as you gain experience and find benefits. Focus on your breathing. If thoughts or emotions intrude on your focus, notice them, name them, then gently detach from them and resume focusing on your breath. Intrusions are NOT A PROBLEM! They are an opportunity to practice re-focusing (a great lawyer skill!)

You may also take some time to notice tension in your body as you breathe and practice relaxing those areas. Notice how deeply you are able to relax. During the day, when you feel tense, stop and take two or three slow, deep breaths and see how much of that relaxed state you can achieve at will.

Finally, you can experiment with holding in your mind a thought or image that brings you warm, positive feelings. Immerse yourself in the thought or image and experience the positive emotions filling your awareness and experience.

You can also couple this exercise with the in-the-moment activity known as S.T.O.P. Practice this skill at various times during the day. You can set times (before I leave the office, when stopped for traffic, etc.) or triggers (when someone brings up sports, when I hear someone else’s phone ring) to remind you to practice the skill. *Use the skill* whenever you feel emotions or reactions getting away from you.

**S** – Stop what you are doing.
**T** – Take a breath.
**O** – Observe. What just happened? What are you thinking? Feeling?
**P** – Proceed in accordance with your values.
Action Step #6: Communicating when Things Go Right: Active Constructive Responding

Based on the work of Shelly Gable, Harry Reis, and others, it turns out that a critical question in relationships is, "Will you be there for me when things go right?" Think about it – do you really want to keep spending time with someone who only focuses on you when you've screwed up or things are going badly for you, but doesn't show much interest when something good happens for you?

Active Constructive Responding (ACR) means authentic engagement with the other person's good news in ways that help them "re-live" the event. Helping them "re-live" is not the same as congratulating or praising them; it is more on the order of "tell me more about that" or "what was that like?" This type of responding predicts greater closeness in the relationship over time, fewer conflicts, and greater satisfaction with the relationship. Responses to good news can be categorized along two dimensions: active-passive and constructive-destructive:

**Passive Constructive:** You offer distracted, understated support. This often kills the conversation. This can come from distraction, a lack of interest in the news being shared, or even a lack of interest in the person sharing. Alternatively, a version of this can arise from real interest in the person, for example when a parent turns immediately from the good news to what the sharer might try to accomplish next. Regardless of the cause, this style leaves the sharer of good news feeling misunderstood, not good enough, or unimportant.

**Passive Destructive:** You one-up the person, ignore their good news, or take over the conversation and make it about you. Many people inadvertently use this response style when they have good news that is in common with the sharer.

**Active Destructive:** You take a negative focus when the person shares good news and start identifying problems or risks in the good news. This style leaves the sharer feeling angry and even embarrassed. If you are truly concerned about someone's good news, take a few minutes to actively constructively respond to it, then pick a separate time and place to have a follow up conversation.

**Active Constructive:** This is the only response style to good news that builds relationships. You help the person re-live the good news by showing authentic interest and asking questions. This style actually benefits both the sharer and the responder because it generates positive emotions (and you now know the importance of positive emotions in influencing your resilience). As a result, both people walk away from the conversation feeling better.

Start tracking how many ACR opportunities you get, and how you do at them. Note that if you are practicing Right Spotting with a partner, this will give opportunities!

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If you want to thrive or help others thrive in the practice of law, do something!
Law is challenging, professionally and personally. However, if you think of lawyers you have most admired, you may see the other side of the coin – those who master the Law’s Five Challenges to Thriving are truly masters – not only of law, but of life. They have earned the designation, "counselor." Start the journey. Pick an action and do it!
References


