SELF-MASTERY: THE PATHWAY TO PEAK PERFORMANCE AND WELL-BEING IN THE LAW

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In order to optimize their mental health, emotional well-being, and cognitive performance, law students and attorneys must embrace a concerted, comprehensive practice of self-mastery. Only by "looking within," and purposefully transforming their maladaptive mental, emotional and behavioral patterning can law students and lawyers unlock their fullest potential and achieve their highest form of happiness and success, in both career and life.

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I. THE PROBLEM

We know the legal industry has some of the worst statistics for depression, suicidal ideations, and substance abuse issues.[1] We also know law school is often the beginning of the descent into these terrible states. Law school and legal practice both involve an increase in acute stress. For many students and practitioners, the stress includes dimensions of anxiety and other emotional challenges.[2] Not only do these stressors make the typical law student and lawyer less happy than he or she otherwise would be, but the stress[3] also has a negative impact on his or her focus, energy, productivity, study or work habits, test or courtroom performance, and overall success.[4]

1. William W. Eaton et al., *Occupations and the Prevalence of Major Depressive Disorder*, 32 J. OCCUPATIONAL MED. 1079, 1082 (1990); Patrick R. Krill et al., *The Prevalence of Substance Use and Other Mental Health Concerns Among American Attorneys*, 10 J. ADDICT. MED. 46, 46-52 (2016); *see also* G. Andrew H. Benjamin et al., *The Prevalence of Depression, Alcohol Abuse, and Cocaine Abuse Among United States Lawyers*, 13 INT'L J. L. PSY. 233, 234-37 (1990); Rosa Flores & Rose Marie Arce, *Why are Lawyers Killing Themselves?*, CNN (Jan. 20, 2014, 2:42 PM), https://www.cnn.com/2014/01/19/us/lawyer-suicides/index.html.

2. *See supra* note 1.

3. We use the colloquial term "stress" throughout this article synonymously with the more technical term, "distress."

4. It is easy to see how an acute stress response can hinder a law student's performance in an exam setting where information recall is key to their success on the test. It is similarly easy to see how an acute stress response can hinder a lawyer's performance in court or a negation where critical thinking, executive function, and recall as similarly the key to success/winning. Thus, not only does long-term stress make us less happy (and possibly sick) in the long-term, but short-term stress makes

II. MINDFULNESS IS JUST THE BEGINNING

The increase in mindfulness programs at ABA law schools in the last almost two decades to combat the negative effects of stress is impressive.[5] We know that done right and done often (continuously and dedicatedly), mindfulness meditation offers something even more than stress reduction and improved lawyering skills.[6] However, law students are notorious for dropping practices, especially in the 1L year when they need them the most, after just a short period. There is concern in the national mindfulness movement in the law that the students are not actually practicing.[7] Moreover, even if a law student (or lawyer) has a dedicated mindfulness practice, there are a plethora of physiological, emotional, psychological, and behavioral practices that can significantly enhance law student (and lawyer) well-being in ways that mindfulness, alone, cannot. The programs geared toward serving students stress with just one – or a few – mindfulness session *Band-Aids* will therefore (sadly) likely fail in the long run. There is no doubt that introduction to attention/focus exercises, and specifically mindfulness meditation, is serving and supporting students and current comprehensive classes or multi-week programs should surely continue. However, it is

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us less intellectually, cognitively, and academically functional. This misallocation of mental and emotional resources away from the task at hand, and impaired discretionary judgment, can certainly help in a true "life or death" emergency (as our biology intended); however, for performance on law school exams or the bar exam or in law, this stress response is the opposite of what students/lawyers need to perform and succeed. Therefore, law students and legal professionals need direction and support on how to cope with this "inappropriate" stress response and redirect their energies in order to perform.

5. Tim Iglesias, *Offering and Teaching Mindfulness in Law Schools*, 49 U.S.F. L. REV. 24, 24-26 (2014-2015) (citing Karmah Elmusa, *Law Schools Teach the Practice of Meditation*, CAL. LAW. (June 2013), http://www.callawyer.com/clstory.cfm?eid=929087&wteid=929087_Law_Schools_Teach_the_Practice_of_Meditation (listing UC Berkeley, University of San Francisco, UCLA, University of Connecticut, Phoenix School of Law, University of Miami, University of Florida, and University of Missouri as schools that have embraced mindfulness programs)). Several other schools have also developed mindfulness-based programs since Elmusa's 2013 article, including: Georgia State University, Columbia Law School, Arizona State, Southwestern Law School, CUNY School of Law, Emory Law, Harvard Law School, Michigan State, Northwestern Law, Touro Law, Tulane University, Vanderbilt Law School, and William and Mary. *See National Student Division*, GA. ST. U., http://sites.gsu.edu/mils/affiliated-universities/ (last visited Jan. 3, 2019).

6. "Interested lawyers must appreciate that mindfulness meditation is a proven method for cultivating deeper insights that touch upon the whole of a lawyer's life." Douglas A. Codiga, *Reflections on the Potential Growth of Mindfulness Meditation in the Law*, 7 HARV. NEGOT. L. REV. 109, 110 (2002).

7. This assertion is sourced from talks amongst scores of law professors from over four dozen law schools; conversation occurring with authors present over a two year period in the mindfulness in law community (2016-2018).

blatantly not enough to provide mindfulness programming alone and expect our students or attorneys to have a stress-management solution or epiphany.[8]

We strongly submit that any law firm or law school that offers just mindfulness programming is missing a significant opportunity to impact their students or attorneys. The comprehensive tenants of self-mastery outlined in this article are critical for the success of our future lawyers and legal teams. Mindfulness, alone, is missing critical, science-based components of the stress-cognition loop, as well as science-based interventions and techniques, which our students and attorneys need in order to truly minimize their stress and maximize their cognition, performance, and overall happiness.

III. MASTERY OF THE SEVEN ELEMENTS OF SELF

Introduction: The Stress-Cognition Loop

The scientific research unambiguously reveals that stress and emotional struggles are not only *unnecessary* for optimal performance, but in fact *obstruct* optimal performance. Stress not only reduces our happiness and joy in life, but it significantly impairs virtually every aspect of our cognitive functioning, including sustained focus, learning, reading comprehension, memory, listening, verbal fluency, written fluency, interpersonal communication, decision-making, discretionary judgment, problem-solving, and creative thinking.[9] When we are stressed, the fear-

8. We note that there are scores of wellness initiatives from Student Affairs, Dean of Students, and other law school departments, and also countless Lawyer Assistance Programs that focus on isolated interventions or the post-problem recovery; however, besides the mindfulness heavy programming in recent years, there was not a program before 2016 that had comprehensive self-mastery tenets included in a multi-week interdisciplinary program (that is: before the *Mindfulness, Stress Management, and Peak Performance Program* piloted at Southwestern Law School from Fall 2016 to Spring 2018). The program is now running at the USC Gould School of Law, (starting in Fall 2018). A two-unit elective course, modeled after the program, entitled "Happiness and Peak Performance for Law Students" (and also entitled "Self-Mastery For Law Students," as a one-unit course in the Short Session) is also running at UC-Irvine Law School as of Spring 2019.

9. Yair Bar-Haim et al., *Threat-related Attentional Bias in Anxious and Nonanxious Individuals: A Meta-Analytic Study*, 133 PSYCHOL. BULL. 1, 1-2 (2007); Shane Darke, *Effects of Anxiety on Inferential Reasoning Task Performance*, 55 J. PERSONALITY & SOC. PSYCHOL. 499, 499–505 (1988); Shane Darke, *Anxiety and Working Memory Capacity*, 2 COGNITION & EMOTION 145, 145-54 (1988); Nazanin Derakshan & Michael W. Eysenck, *Anxiety, Processing Efficiency, and Cognitive Performance: New Developments From Attentional Control Theory*, 14 EUR. PSYCHOL. 168, 174 (2009); Michael W. Eysenck & Manuel G. Calvo, *Anxiety and Performance: The Processing Efficiency Theory*, 6 COGNITION & EMOTION 409, 429-30 (1992); Mara Mather & Nichole R. Lighthall, *Risk and Reward Are Processed Differently in Decisions Made Under Stress*, 21 CURRENT DIRECTIONS PSYCHOL. SCI. 36, 36-40 (2012); Bruce S. McEwen & John H. Morrison, *Brain On Stress: Vulnerability and Plasticity of the Prefrontal Cortex Over the Life Course*, 79 NEURON 16, 18-20 (2013); Shaozheng Qin et al., *Acute Psychological Stress Reduces Working*

center of our brain, the amygdala, gets activated and our brain goes into survival mode. Survival mode involves low-level, impulsive cognitive processing. Simultaneously, the activity in our brain's high-level executive processor, the prefrontal cortex, plummets.[10] As a result, when we are feeling stress, we necessarily are also cognitively impaired. Which means that our focus, productivity, efficiency, and work quality decline. We name this effect the Stress-Cognition Loop.

If we want to maximize our emotional wellness and cognitive performance, we must reject the antiquated and *neuroscientifically-false* proposition that turning ourselves into a ball of stressed-out intensity is somehow a badge of honor that reflects our dedication and superiority as lawyers or law students. Quite the contrary, as personal misery *detracts* from cognitive mastery. If we are overwhelmed by stress, it is a sign that our brain is not functioning at its highest capacity. And of course, it is also a sign that we are not in a high-functioning emotional place either.

The beautiful thing is that our brain and heart are aligned in this way: if we dedicate ourselves to improving our emotional wellness, we will simultaneously improve our cognitive performance. The result is that we will be happier, healthier, and *better* lawyers and law students.

The Seven Elements of Self: A Holistic Approach

In order to archive optimal emotional wellness and peak cognitive performance, all seven of our "Elements of Self" must function maximally. Each individual tends to be stronger in some of the Elements, and weaker in others. But regardless of who we are, if we want to minimize our stress and maximize our cognition, we must train in *all seven*. No matter how brilliant our mind, or how vast our knowledge, or how unlimited our talent, we simply cannot experience true emotional health or peak performance without working with each of the seven Elements. In order to unlock our full

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Memory-Related Activity in the Dorsolateral Prefrontal Cortex, 66 BIOLOGICAL PSYCHIATRY 25, 29-31(2009); Manpreet K. Rai et al., *The Effects of Stress on Reading: A Comparison of First-Language Versus Intermediate Second-Language Reading Comprehension*, J. EDUC. PSYCHOL. 348, 348 (2015); Katrin Starcke & Matthias Brand, *Decision Making Under Stress: A Selective Review*, 36 NEUROSCI. BIOBEHAV. REV. 1228, 1241 (2012); Stephanie E. Wemm & Edelgard Wulfert, *Effects of Acute Stress on Decision Making*, 42 APPLIED PSYCHOPHYSIOLOGY & BIOFEEDBACK 1, 14 (2017).

10. Amy F. T. Arnsten, *The Biology of Feeling Frazzled*, 280 AM. ASS'N FOR ADVANCEMENT SCI. 1711, 1711 (1998); Catherine Liston et al., *Psychosocial Stress Reversibly Disrupts Prefrontal Processing and Attentional Control*, 106 PNAS 912, 914 (2009); João J. Cerqueira et al., *The Prefrontal Cortex as a Key Target of the Maladaptive Response to Stress*, 27 J. NEUROSCI. 2781, 2784 (2007).

potential – *both in happiness and performance* – we must actively improve all of them.

The vast majority of people have no idea how to improve any of the seven facets of self, much less all of them simultaneously. Most individuals have very limited tools or techniques for improving any of the Elements of Self. Therefore, they remain stuck wherever they naturally have been since early adulthood.

This is unsurprising, considering modern education does not include identification or strengthening of the Elements of Self on the curriculum. Students spend their high school years learning details of chemistry, algebra, world literature, and European history. While there is nothing wrong with any of these topics, none of them has any bearing on an individual's emotional health or cognitive performance in life. We are taught how to solve mathematical problems, but not how to solve emotional challenges. We are taught what occurred in Europe in the early 1900's, but not what is occurring within our own psyche right now. We are taught the chemistry of water and rocks, but not the chemistry of our emotions and brain.

As a result, we remain wherever we naturally happen to be on the spectrum of self-mastery. We do not improve our happiness or cognition because we are never taught how to do so. The research shows that our emotional health and cognitive functioning can be significantly improved,[11] but if we want to actually improve them, we must treat these items like anything else we desire to improve: we need to consciously decide they are worth improving, and then take *tangible steps* to improve them. If we do not consciously dedicate ourselves to improving our emotional and cognitive functioning, we will remain frozen at our current levels. Our happiness and academic success in law school and success potential in legal practice will therefore remain stagnant, and we will never reach our true potential.

Why does every collegiate and professional sports team have physical trainers? One could argue they are unnecessary because the game of

11. Elena W. Adlaf et al., *Adult-Born Neurons Modify Excitatory Synaptic Transmission to Existing Neurons*, ELIFE (Jan. 30, 2017), https://elifesciences.org/articles/19886; Michael A. Cohn et al., *Happiness Unpacked: Positive Emotions Increase Life Satisfaction by Building Resilience*, 9 EMOTION 361, 361-68 (2009); Gerd Kempermann, *Neuroplasticity in Old Age: Sustained Fivefold Induction of Hippocampal Neurogenesis by Long-Term Environmental Enrichment*, 52 ANNALS OF NEUROLOGY 135, 135-43 (2002); Ilios Kotsou et al., *Emotional Plasticity: Conditions and Effects of Improving Emotional Competence in Adulthood*, 96 J. APPLIED PSYCHOL. 827, 827-39 (2011); David M. Levy et al., *The Effects of Mindfulness Mediation Training on Multitasking in a High-Stress Information Environment*, PROCEEDINGS OF GRAPHICS INTERFACE, May 2012, at 45, 45-52; Michael D. Mrazek et al., *Mindfulness Training Improves Working Memory Capacity and GRE Performance While Reducing Mind Wandering*, 24 PSYCHOL. SCI. 1, 1-6 (2013); Fadel Zeidan et al., *Mindfulness Meditation Improves Cognition: Evidence of Brief Mental Training,* 19 CONSCIOUSNESS & COGNITION 597, 597-605 (2010).

basketball is won and lost based on factors such as shooting percentage, ball movement, and weak-side defense. Similarly, one could argue that physical trainers are unnecessary to football programs because formation, blocking, wide receiver routes, blitz packages, and cornerback coverage are what determines the winner and loser. Why don't sports programs spend all of their practice time working on these technical aspects of performance? Because the athlete's body is her primary instrument of performance. No matter how great her technical skill, and no matter how much she improves her technical skill (through countless hours of practice), if she does not optimize her primary instrument of performance (her body), her technical prowess will never be fully unlocked.

Law students and lawyers must optimize their primary instrument of performance – *which is their brain* (and its neuro-emotional processing) – through dedicated action. To simply hope, or assume, one's brain is functioning at maximal capacity – without any deliberate process for improving the fitness of this instrument – is naïve, and defied by basic neuroscience. It is detrimental to one's ability to maximally succeed in the legal industry and remain happy and balanced while serving our clients and advancing our careers. If we want to maximize our academic or professional success in the law, we must *choose* to improve our neuro-emotional processing, and then we must dedicate effort to doing so. Once we have made this commitment to ourselves (and to our own success), we can begin targeting the seven Elements of Self that directly determine our emotional well-being and cognitive success.

The Seven Elements of Self outlined below are: (1) Body, (2) Mind, (3) Purpose, (4) Energy, (5) Emotions, (6) Behavior, and (7) Communication.

(1) BODY

Self-mastery of our body is critical to our emotional health and cognitive performance. It is a matter of common sense that our emotional state determines our bodily state. For example, when we are happy, we smile. When we are stressed, we scowl. While this is undoubtedly true, modern physiology and neuroscience demonstrate the opposite is also true: when we smile, we become happier; when we scowl, we become more stressed.[12] This doctrine of human physiology and neuroscience is referred to as "Embodied

12. Tara L. Kraft & Sarah D. Pressman, *Grin and Bear It: The Influence of Manipulated Facial Expression on the Stress Response*, 23 PSYCHOL. SCI. 1372, 1375-77 (2012).

Cognition," i.e., the notion that how we manipulate, hold, and use our body directly influences our emotional and cognitive state.[13]

The research demonstrates that when we do a "forced smile," even if we are not feeling happy, our happiness increases and our stress decreases. In a particularly fascinating study,[14] a team of psychologists from the University of Kansas provided participants with a chopstick and had them hold the chopstick in their mouth in two different ways (one that generated a forced smile and one that generated a forced scowl), while having them experience a stress-inducing, cold-press treatment, in which their hand was dunked in ice-cold liquid that incites the stress response is humans. When the participants were asked to hold the chopstick at the tip of their lips like a cigarette, the participants were unknowingly morphing their faces into a stress scowl. When they were asked to hold the chopstick horizontally in the back of their molars, they were unknowingly smiling.

In both situations, the participants were subjected to an intense stress-inducing cold-press treatment, and then saliva samples were taken in order to measure their levels of cortisol, the primary stress hormone. The results revealed that when the participants unknowingly smiled while subjected to the stressful experience, their stress levels were significantly lower than when they were subjected to the same stressor but held the chopstick in a way that created an unknowing stress scowl.[15] This study, among others, shows that when we are in a stressful situation, the facial expression we hold during the situation significantly effects the levels of stress we experience.

Similarly, modern research shows that the bodily posture we hold significantly affects our emotional and cognitive state.[16] While many of our parents lectured us as children not to "slouch" at the dinner table, our parents did not realize they were actually providing us with cutting-edge emotional and neurological guidance. Modern research, however, reveals just this.

One study published in the Journal of Health Psychology documented the vast emotional and cognitive differences experienced by participants based on whether they sat in a slumped or upright posture.[17] The study concluded, "[a]dopting an upright seated posture in the face of stress can maintain self-esteem, reduce negative mood, and increase positive mood compared to a slumped posture. Furthermore, sitting upright increases rate

13. Jeff Thompson, *Embodied Cognition: What it is and Why It's Important*, PSYCHOL. TODAY (Feb. 20, 2012), https://www.psychologytoday.com/us/blog/beyond-words/201202/embodied-cognition-what-it-is-why-its-important.

14. *See* Kraft & Pressman, *supra* note 12, at 1372-78.

15. *See id.* at 1374-75.

16. Swetha Nair et al., *Do Slumped and Upright Postures Affect Stress Responses? A Randomized Trial*, 34 HEALTH PSYCHOL. 632, 632 (2015).

17. *See id.*

of speech and reduces self-focus."[18] Therefore, sitting upright may be a simple behavioral strategy to help build resilience to stress.

In short, this study concluded that when our body slumps, our emotional state, focus, and rate of speech also slump, while holding our body upright literally raises our emotional and cognitive state. Moreover, slouching has been proven to alter our brain's ability to retrieve memories. One study,[19] for example, found that slouching substantially increases our tendency to recall negative information, and substantially reduces our ability to recall positive information. In this study, 92% of participants experienced reduced positive thought recollection when seated in a slumped position, as compared to their thought recollection while seated in a non-slumped position. In this way, our posture directly impacts our brain's ability to recall positive information and retrieve positive thoughts. Slouching therefore leads to cognitive bias that alters our subjective interpretation of our environment and experiences.

Finally, a team of psychologists from Harvard University conducted a study that found that it takes just two minutes in a particular posture for our hormonal levels to materially change.[20] Indeed, in just two minutes in a slouched or constricted posture at the library, at our desks, in class, or at a meeting, our cortisol levels spike and our testosterone levels drop.[21] Similarly, in just two minutes in a power or confident posture, our cortisol levels drop and our testosterone levels spike.[22] When we are in a low-cortisol and high-testosterone state, we tend to be confident, focused, and energized. Conversely, when we are in a high-cortisol and low-testosterone state, we tend to be stressed, distractible, and fatigued. Thus, how we hold our posture is proven to directly affect our emotional and cognitive state.

Mastery of one's physical body should begin in the 1L year, continue during law school, and carry into practice. Whether a law student or seasoned lawyer is reading this, she should consider how critical her physical posture and facial expressions – especially while under stress – are to her emotional

18. *Id.* ("Self-focus" refers to an inappropriate preoccupation with self that interferes with an individual's presence and attention towards tasks and one's external environment.).

19. Vietta E. Wilson & Erik Peper, *The Effects of Upright and Slumped Postures on the Recall of Positive and Negative Thoughts*, 29 APPLIED PSYCHOPHYSIOLOGY & BIOFEEDBACK 189, 189 (2004).

20. Dana R. Carney et al., *Power Posing: Brief Nonverbal Displays Affect Neuroendocrine Levels and Risk Tolerance*, 21 PSYCHOL. SCI. 1, 4-5 (2010),

21. Testosterone is healthy and cognitively beneficial for both men and women, as it increases focus, energy, and exuberance during cognitive task performance. Oliver Beauchet, *Testosterone and Cognitive Function: Current Clinical Evidence*, 155 EURO. J. ENDOCRINOLOGY 773, 774-76 (2006).

22. *See* Carney et al., *supra* note 20.

well-being and cognitive performance. When she is working on a tight deadline, it is paramount that she mindfully contorts her body and face in a way that maximizes her emotional and intellectual functioning.

(2) MIND

In order to maximize our emotional wellness and cognitive functioning, we must master our thoughts, ingrained beliefs, unconscious assumptions, mindsets, and other cognitions. A famous proverb in yogic philosophy states, "the mind is an outstanding servant, but a terrible master." When the mind is in control of us, it generates countless thoughts and cognitions (many of which are *unconscious*) that cause us great emotional challenges and pain, and that render us highly distracted and unproductive (professionally and academically). But when we are in control of the mind, our thoughts and cognitions can be consciously identified and used to reduce our emotional challenges and pain, and to enhance our focus, motivation, and productivity. Control of the mind is critical to our emotional health and cognitive optimization.

Essentially all ideological traditions now recognize the fundamental principle that much of our emotional and decisional processing results from *unconscious* thinking and cognitions, which directly affect, and often dictate, our *conscious* thinking and cognitions. All of these ideologies emphasize that if we want to enhance our emotional health, decisions, and functioning in life, we *must* work directly with the unconscious thoughts and cognitions that impact or control us in every moment. Whether it is Byron Katie, a prominent life coach and author whose work teaches us to identify and restructure the unconscious thoughts that cause our own suffering,[23] or Don Miguel Ruiz, a global spiritual teacher whose work shows us how we are "domesticated" at an early age to hold certain thoughts and beliefs that cause our emotional challenges later in life,[24] or Shawn Anchor, a Harvard Positive Psychologist whose work shows us how to increase our emotional wellness and happiness by changing our ingrained thinking and behaviors,[25] or Colin Tipping, a renowned Pastor whose work teaches us how to mentally reframe challenges in our life so we can have greater fulfillment and emotional

23. *See generally* BYRON KATIE, LOVING WHAT IS: FOUR QUESTIONS THAT CAN CHANGE YOUR LIFE (2002).

24. DON MIGUEL RUIZ & JANET MILLS, THE FOUR AGREEMENTS: A PRACTICAL GUIDE TO PERSONAL FREEDOM 4 (2001).

25. SHAWN ANCHOR, THE HAPPINESS ADVANTAGE: HOW A POSITIVE BRAIN FUELS SUCCESS IN WORK AND LIFE 199 (2010).

health,[26] or Daniel Kahneman, a Western Economist and Psychologist who won the Nobel Prize in Economics in 2002 and whose work shows us that much of our life decisions and emotional reactions are the result of unconscious thinking and cognizing,[27] it is clear that if we want to upgrade our emotional health, decisions, and actions in life, we must purposefully target and improve the functioning of the unconscious mind.

There are several ways to improve the functioning of the unconscious mind, including the techniques of Belief Restructuring and Mindset Shifting. Belief Restructuring involves identifying – and purposefully transforming – the underlying, *usually unconscious*, cognition that is generating an undesirable emotion and resulting behavior.[28] For example, say you are driving in the far right lane of the highway and in the last moment before the exit, a car from the next lane to the left does a last second cut-off into your lane and frantic departure onto the exit ramp, causing you to hit the breaks to avoid contact (but not face any real risk of injury). What emotion instantaneously bubbles up in you? If you are like most people, the answer is "anger." Perhaps you notice how the anger erupts within you before you even had a chance to consciously reflect on the situation. So why do we instantly feel anger in this situation? Because our mind holds a deeply ingrained – and likely unconscious – belief that states: "anyone who does a last second cut-off of me on the highway is a terrible jerk." (Your mind may use slightly more colorful language than "terrible jerk," but the effect is the same.)

Without this underlying belief, it is *impossible* to feel anger in this situation. When neutrally and emotionlessly observed, all that occurred was that one car abruptly departed the highway in a way that caused another car to hit the breaks but not face any real risk of danger. Those are the neutral facts. However, these neutral facts, alone, do not yield the emotion of anger. There is something that stands between the neutral facts and the resulting emotion. There is something that takes the neutral facts and spits out the resulting emotion. That "thing" is your ingrained belief that "anyone who does a last second cut-off of me on the highway is a terrible jerk." This ingrained belief is what converts a neutral fact into a volatile emotion. Without this ingrained belief in your psyche, you simply would not feel anger in this situation.

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26. COLIN TIPPING, RADICAL FORGIVENESS: A REVOLUTIONARY FIVE STAGE PROCESS-TO HEAL RELATIONSHIPS-LET GO OF ANGER AND BLAME-FIND PEACE IN ANY SITUATION (2010).

27. DANIEL KAHNEMAN, THINKING, FAST, AND SLOW 63 (2011).

28. Steve Handel, *Cognitive Restructuring: The Complete Guide on How to Reframe Your Beliefs*, THE EMOTION MACHINE (Aug. 30, 2017), https://www.theemotionmachine.com/cognitive-restructuring-complete-guide-reframe-beliefs/.

Experiment with a different underlying belief. What would happen if you replaced the above ingrained belief with a new belief? That is, a belief that would provide some *alternative* explanation for why the person did a last-second cut-off. Here is one: "the person who did the last second cut-off is rushing to the ER to visit a loved one who may die in the next few minutes." If you absolutely knew this to be true, what emotion would you experience when the person cut you off last second? Compassion! Which is the exact opposite of anger. Yet the "neutral facts" are the same – a vehicle did a last second cut-off of you on the highway. But the emotion that is generated is the polar opposite. This divergent emotional reaction is based entirely on the underlying belief that you apply to the neutral facts.[29]

Another technique for mastering the mind is a technique we call Mindset Shifting. A mindset is a default mental framework or default lens through which we receive, interpret, and give meaning to events, information and stimuli in our life, in the courtroom, and in the classroom.[30] As the saying goes, "if you are wearing rose tinted lenses, everything will appear rosy; and if you wear clear lenses, everything will appear clear." An effective tool for shifting into an advanced emotional and cognitive state is to identify the current ingrained mindset you are in, and to purposefully convert to the corresponding empowered version of that mindset.

If you are feeling stress, anxiety, anger, sadness, or some other challenging emotion, it is virtually guaranteed that you are in one of five "Disempowered Mindsets" (*See* Chart, *infra*). Each of these mindsets is scientifically established to increase stress, anxiety, depression and emotional imbalance, and to impair higher-level cognitive and professional functioning. Each mindset has a corresponding "Empowered Mindset" that you can switch to, in order to shift your state:

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29. If you were to dedicate yourself, as an experiment, to believing that anyone who cuts you off in the next week is actually a concerned loved one rushing to the ER to visit a family member, your anger on the road will significantly decrease. Now, you may ask us, "are you suggesting that I engage in delusions in order to modulate my emotions?" Yes, we are! But to be clear, you *already* are engaging in delusions – because when you get cut-off and you react with anger, it is proof that you are believing (probably unconsciously) that the other person is a "terrible jerk." But that is an obvious delusion. You do not know the person; s/he could be the nicest, most loving person on the planet. But since we do not know, we fill in the uncertainty with an ingrained belief that the person is a terrible/selfish jerk. We literally make this up about someone we know nothing about. That is a quintessential *delusion*. So if you are going to be delusional, you might as well be delusional in a way that leaves you feeling happy, joyful, and emotionally balanced.

30. Gary Klein, *Mindsets*, PSYCHOL. TODAY (May 1, 2016), https://www.psychologytoday.com/us/blog/seeing-what-others-dont/201605/mindsets.

Disempowered Mindset	*Empowered Mindset*
Judgment	Compassion
Victimhood	Gratitude
Fear	Opportunity
Control	Adaptability
Fixed	Growth

The Victimhood-Gratitude dynamic provides a good example. A litany of scientific research reveals that when we purposefully put ourselves into the mindset of gratitude (for example, by using a simple gratitude practice[31]), our neurological and physiological systems shift into optimized states. Our stress and anxiety drop, and our resiliency and executive cognition increase. For example, the research shows that when we engage in deliberate gratitude practices, the following occurs:

- Activity in the amygdala (the brain's fear center) reduces, leading to reduced stress.[32]
- The parasympathetic nervous system, the calming branch of the anatomic nervous system, is activated, while the sympathetic nervous system, which governs the stress-response, is deactivated.[33]
- Our levels of cortisol, the primary stress hormone, plummet.[34]
- Activity in the hypothalamus, which links the nervous system to the endocrine system and regulates our homeostasis and hormonal balance, increases.[35]
- Activity in the brain's executive center, the prefrontal cortex, increases.[36]

31. *What Is Gratitude? Why Practice It? How Do I Cultivate It?*, GREATER GOOD MAGAZINE (Feb. 26, 2019), https://greatergood.berkeley.edu/topic/gratitude/definition.

32. Sunghyon Kyeong et al., *Effects of Gratitude Meditation on Neural Network Functional Connectivity and Brain-Heart Coupling*, 7 SCI. REP., 1, 1-2 (2017).

33. Sammy Caiola, *Gratitude is Good for Health, Research Shows*, SACRAMENTO BEE (Nov. 26, 2014, 6:25 PM), https://www.sacbee.com/news/local/health-and-medicine/healthy-choices/article4169979.html.

34. Rollin McCraty et al., *The Impact of a New Emotional Self-Management Program on Stress, Emotions, Heart Rate Variability, DHEA and Cortisol*, 33 INTEGRATIVE PHYSIOLOGICAL BEHAV. SCI. 151, 166 (1998).

35. Giovanni Alesio, *Gratitude and Happiness: The Link Based on Neuroscience*, VERSION DAILY (Sept. 23. 2015), http://www.versiondaily.com/gratitude-and-happiness-the-link-based-on-neuroscience/.

36. Prathik Kini et al., *The Effects of Gratitude Expression on Neural Activity,* 128 NEUROIMAGE 1, 2 (2015).

- Impulsive decision-making declines, and will power and prudent decision-making elevate.[37]

The science is clear: shifting into a state of gratitude reduces your stress and improves your brain functioning. So how can you use this science to your advantage when you are under the gun in the classroom or courtroom? Here is a simple but very effective technique: whenever you notice you are feeling stressed, pause whatever you are doing and identify *three things* about the stressor that you are grateful for. This likely seems counterintuitive, but there are *always* at least three things about a stressor to be grateful for. When we shift our mind into a state of gratitude *over the very situation that is triggering our stress*, our stress plummets.

For example, if you are unexpectedly assigned an important and complex project with an unreasonably short deadline, you will likely enter a state of stress rather quickly. You likely have also unconsciously fallen into a Victimhood Mindset. But here are three possible items to be grateful for even in the midst of the immediate intense challenge: (1) you have earned so much trust and confidence from your supervisors, and your reputation is so impressive, that they elected to put this critical and time-sensitive project in your hands, rather than anyone else's hands; (2) you have built a career that involves constant, intellectually stimulating experiences, as opposed to the vast majority of individuals who spend much of their jobs doing rote or boring work (i.e., this project may be intensely challenging, but at least it is not mindless and boring!); and (3) you have the opportunity to deliver an amazing result to the client or company in a clutch moment that would overwhelm most people, so you are being given an incredible opportunity to let your expansive gifts shine (i.e., "the greater the obstacle, the greater the glory").

This simple technique causes your brain to reframe the challenge. Whenever we are feeling stressed, we have *amnesia* about these sorts of positives. Our mind is necessarily engaging in some sort of victim-based, negative internal processing about the stressor (often *subconsciously)*. Essentially we are engaging in the exact opposite of gratitude. Perhaps we are wishing we were not in this situation, or festering in how unfair it is, or fearing that we will not be able to pull off our usual masterpiece, or feeling overwhelmed by how much time and energy will be required to complete the project. These underlying thoughts are coming from a place of subtle

37. David DeSteno et al., *Can Gratitude Reduce Costly Impatience?*, ASS'N FOR PSYCHOL. SCI. (March 31, 2014), https://www.psychologicalscience.org/news/releases/can-gratitude-reduce-costly-impatience.html.

victimhood, rather than gratitude. Those thoughts are the origins of and *necessary prerequisites* to stress. And they are the antithesis of gratitude.

When we force our mind to instead identify the positive aspects of the current challenge, the underlying thoughts that give rise to stress get superseded. Instead of feeling overwhelmed, intimidated and victimized by the situation, we feel engaged, impassioned, and emboldened by it. When we are experiencing feelings and thoughts of gratitude, it is actually impossible to simultaneously feel stressed.[38]

As we master the ability to identify when we are in a Disempowering Mindset and to purposefully shift into the corresponding Empowering Mindset, we will be transforming our mind from foe to friend. Our emotional wellness and cognitive performance will necessarily flourish.

(3) PURPOSE

Finding purpose/meaning in life is critical to self-mastery. We begin this section with a parable to illustrate the nature of "finding meaning" in our day-to-day work:

> As a man walked past a construction site, he saw two bricklayers about 10 feet apart from each other, both laying bricks. The first man looked lethargic, despondent, and morose as he laid brick after brick. The second man, on the other hand, looked energized, upbeat, and inspired as he did the identical activity. Curious about this difference, the passerby approached the first man and uttered, "I'm sorry to bother you sir, but may I ask what

38. *Experiential Practice*: So at this moment, we would invite you to pick the one thing in your life that is causing you the most stress at this very second. Notice the Victimhood Mindset you are experiencing – and the related victim-based thoughts that are circulating within you about the situation (i.e., the ways in which you are subtly wishing the situation were different or you feel the situation is somehow "unfair" to you). Now identify the *three things* about the situation that you are deeply grateful for. If it feels difficult or even impossible to come up with three (or any!) things to be grateful for, don't worry – that is totally normal. Stay with it, and put your creative thinking to the test! It may feel like you are wrestling with yourself, but you will eventually break through and come up with three. This process will get easier and easier each time you do it, as your brain slowly builds this *new muscle* (of experiencing gratitude for challenges). Finally, allow yourself to revel in the three items, and feel the rich emotions of gratitude, appreciation, and wonder as they circulate through you. Do not just intellectually ponder the three items; really feel the emotion of gratitude warming and lighting up your whole body and mind. After you have basked in the gratitude for at least 30 seconds, return to the situation at issue. You will notice your emotional and mental states have likely shifted. While some stress may still be bubbling inside you, your stress should be materially reduced. By first noticing that you were in a Victimhood Mindset, and then purposefully switching into a Gratitude Mindset, you can very quickly shift your emotional and cognitive state. In so doing, you have executed a potent *"pattern interrupt"* of the stress response, which reorganizes your nervous system and neural processing. The more you do it, the easier and more powerful it gets to identify when you are stuck in Victimhood and to shift to Gratitude. Over time, you will be able to shift out of stress far more quickly, and eventually, you will start defaulting to gratitude – with less effort and intentionality.

> you're doing?" The despondent man looked up and sluggishly said, "I'm laying bricks." The passerby thanked him and then approached the second man, before asking him what he was doing. The buoyant man enthusiastically answered, "I'm building a cathedral."

A sense of purpose in what we do gives the activity meaning and dramatically increases our fulfillment, buoyancy, and passion for the activity. The problem is that we so often get disconnected from the deeper purpose or meaning of what we are doing. Or, we never connected in the first place to deeper purpose. We get lost in the weeds, and struggles, and forget "the why" of our work. Whether you are a lawyer or a law student, you cannot maximize your emotional wellness or cognitive performance without being keenly and consistently connected to a sense of purpose for what you are doing. Indeed, the research reveals that having a clear sense of purpose is critical to happiness, resiliency, and emotional well-being.[39] The research also reveals that having a clear sense of purpose dramatically increases our memory, executive functioning, and overall cognitive performance.[40]

Purpose can be described as a sense that we are part of something bigger and more important than ourselves, and that our efforts are tangibly contributing to that big and important thing. The opposite of purpose is "tunnel vision" – where we view our tasks, projects and deadlines in isolation, rather than as a part of some higher meaning. The study and practice of law unavoidably involves a large amount of difficult and often unenjoyable tasks and projects. Certainly, reading countless pages of cases or never-ending transaction documents is not exactly blissful activity for the average student or practitioner. So what happens to most of us is that as we perform the mundane tasks of the profession, we feel indifferent, at best, or actively resentful, at worst. Either way, it is a sign we have disconnected from purpose. Of course, whenever we are feeling indifferent to or resentful of our project, it is a sign that we are not only less happy than possible, but also performing less attentively, effectively, and efficiently than possible.

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39. *See* Anthony L. Burrow et al., *Purpose in Life as a Resource for Increasing Comfort With Ethnic Diversity*, 40 PERSONALITY SOC. PSYCHOL. BULL. 1507, 1508 (2014); Naelys Diaz et al., *Attachment Style, Spirituality, and Depressive Symptoms Among Individuals in Substance Abuse Treatment*, J. SOC. SERV. RES. 313, 314-15 (2014); Patrick L. Hill et al., *Purpose in Life in Emerging Adulthood: Development and Validation of a New Brief Measure*, 11 J. POSITIVE PSYCHOL. 237, 237-40 (2016); Jina Park & Roy F. Baumeister, *Meaning in Life and Adjustment to Daily Stressors*, 12 J. POSITIVE PSYCHOL. 333, 333-39 (2017); Stacey M. Schaefer et al., *Purpose in Life Predicts Better Emotional Recovery from Negative Stimuli*, 8 PLOS ONE 1, 1-9 (2013).

40. *See* Nathan A. Lewis et al., *Purpose in Life and Cognitive Functioning in Adulthood*, 24 AGING, NEUROPSYCHOL., & COGNITION 662, 667 (2017); *see also* Patricia A. Boyle et al., *Effect of a Purpose in Life on Risk of Incident Alzheimer Disease and Mild Cognitive Impairment in Community-Dwelling Older Persons*, 67 ARCHIVES GEN. PSYCHIATRY 304, 304 (2009).

What we must do in those moments – if we want to up-level our emotions and cognition – is to immediately connect the rudimentary task to a higher purpose. If you are a law student who is overwhelmed by the amount of reading you have tonight, do not just mindlessly power-through the reading in agony. Before starting the reading, pause for a moment, and ask yourself why you decided to come to law school in the first place. Do you remember how excited you were about the possibility of going to law school when you first considered it? How about the emotions you felt when you received your admission letter? Now imagine yourself as a practicing lawyer at your ideal job – working on the type of matters that most enliven your spirit. Perhaps you want to be a public defender to protect the constitutional rights of vulnerable members of society. Or perhaps you want to be a prosecutor to fight for victims of crime and ensure that guilty people are removed from the streets. Or perhaps you want to do IP law – because you want to support innovation and technological breakthroughs that transform society. Regardless of what it is that excites you, *connect to it*. Think about it, feel it, see yourself doing it. And then acknowledge the fact that this pile of reading is just a challenging step in arriving at this amazing and meaningful career that you are building. By keeping your higher purpose in mind, the rudimentary tasks and challenges that life brings become more bearable, and less derailing – both emotionally and cognitively.

Additional tools for connecting to our higher purpose include creating a Personal Mission Statement, doing purpose-based visualization exercises, and gratitude practices related to your higher purpose.[41] What is key is *consistently* and *purposefully* connecting to your higher purpose as you face projects and stretches that leave you feeling disinterested or lethargic. The result will be a greater sense of happiness and fulfillment, and enhanced focus, energy, and productivity.

(4) ENERGY

It is critical to emotional wellness and cognitive enhancement that we intelligently monitor, preserve, and harness our sacred will power and energy throughout the day. Our energy levels at any given moment in the day often have less to do with how much energy we "naturally" have, and more to do with how much energy we have imprudently wasted up until that moment in the day. As such, self-mastery inherently involves mastering one's precious energy supply.

41. Ken Maschke, *Finding Purpose with a Purpose Statement*, 13 LEADERSHIP MGMT. ENGINEERING 295, 295-98 (2013); Jeremy A. Smith, *How to Find Your Purpose in Life*, GREATER GOOD MAGAZINE (Jan. 10, 2018), https://greatergood.berkeley.edu/article/item/how_to_find_your_purpose_in_life.

In 1998, a psychologist named Roy Baumeister conducted a landmark study that made him a giant in the world of psychology.[42] He walked into a room filled with individuals who had volunteered for a cognitive test, and carried a large plate of piping hot, fresh-baked cookies, as well as a bag of radishes. The fragrance of the fresh cookies filled the entire room. He then randomly offered each volunteer either a fresh-baked cookie or a radish, without giving them a choice, or explanation. After providing each volunteer with her or his respective snack, he then passed out a puzzle, which was actually impossible to solve (unbeknownst to the volunteers). He then recorded how long it took for each group of volunteers to quit on the puzzle. On average, the volunteers who were offered a cookie struggled with the puzzle for *twice* as long before quitting, as compared to volunteers who were offered a radish.[43]

Baumeister's new theory was born: humans have a limited amount of will power or energy on any given day, and when we needlessly burn that precious fuel, we have reduced attention and will power for subsequent tasks. Baumeister theorized that the volunteers who received the radishes fell into frustration and rumination at their "unfair" disbursement, which burned critical cognitive fuel, leaving them depleted and more likely to quit the puzzle sooner.[44] Thus, will power and cognitive fuel are limited resources, and if we needlessly burn them throughout the day, our cognition begins to erode over the course of the day. His theory is generally referred to as "will power depletion" or "decisional fatigue."

There have been hundreds of studies published in peer-reviewed professional journals supporting the existence of will power depletion. What the studies reveal is that with certain limited exceptions,[45] each and every micro-decision, micro-action, and micro-cognition we commit throughout the day causes a palpable reduction in our energy and will power.[46] As our energy and will power steadily deplete over the course of the day, our

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42. Roy F. Baumeister et al., *Ego Depletion: Is the Active Self a Limited Resource?*, 74 J. PERSONALITY SOC. PSYCHOL. 1252, 1254-56 (1998).

43. *Id.* at 1255.

44. Later studies on will power depletion controlled for the possible confounding variables of the sugar rush, glucose spike and/or voluntary emotional withdrawal that could have accounted for the differences in puzzle performance in the original study.

45. A small collection of activities that require an outlay of will power nevertheless lead to a *net increase* in will power at the completion of the activity. Examples include certain forms of exercise, meditation, music and art, and other so-called "right-brain" activation exercises – which are summarized in more detail in the "BEHAVIOR" section of this article. But with rare exceptions, each of the activities we perform throughout the day causes a net reduction in our available will power.

46. *See* Shai Dazinger et al., *Extraneous Factors in Judicial Decisions*, 108 PNAS 6889, 6889-92 (2011).

cognitive performance similarly depletes, leading to reduced focus, greater distractibility, and impaired decision-making.[47]

Aware of this research, many of society's great thinkers wear virtually the same clothes every day, knowing that the cognitive resources spent on deciding on the right outfit in the morning will quite literally reduce their cognitive firepower available for far more important decisions later in the day. Think of Steve Jobs and the black turtleneck, blue jeans, and white new balance sneakers he wore virtually every day. Or Mark Zuckerberg and the same grey t-shirt and grey zip-up hoodie he wears every day. Or President Obama and the small collection of navy and grey suits that he wore virtually every day for eight years. When asked about his repetitive attire, Obama explained, "I'm trying to pare down my decisions," adding "[y]ou need to focus your decision-making energy. You need to routinize yourself. You can't be going through the day distracted by trivia."[48] Zuckerberg has cited the decision fatigue doctrine and elaborated, "I really want to clear my life so that I have to make as few decisions as possible, other than how to best serve this community."[49]

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47. For example, a study published in the National Academy of Sciences by a team of Israeli and Columbia University psychologists analyzed 1,112 parole rulings over the course of 10 months by eight judges in the Israeli criminal justice system. *See id.* Far from the unique facts of the case or the underlying crime at issue, the critical factor that determined the likelihood of parole being granted was the time of day of each parole decision. Over the course of the 10 months, parole was granted at a rather consistent rate of about 65% in the beginning of the morning sessions, with the grant rate steadily dropping over the course of the morning session until hitting almost an average of 0% in the parole decisions made immediately before the lunch break, before again rising to approximately 65% during the post-lunch session, before steadily declining over the course of the remainder of the day to nearly 0% at the very end of the day. *Id.* Because granting parole requires far more effort, thought, and legal justification than denying parole, the will power depletion that occurred over the course of the parole sessions led to a diminished reserve of will power in the judges, which in turn led to impaired decision-making and diminished parole grants. *Id.* Similarly, a study published by the American Medical Association in JAMA Internal Medicine found that primary care physicians' prescription decisions regarding patients presenting with acute respiratory infections were impacted by the physicians' will power depletion, based on how late in the day each patient happened to arrive. *See* Jeffrey A. Linder et al., *Time of Day and the Decision to Prescribe Antibiotics*, 174 JAMA INTERNAL MED. 2029, 2029-31 ("We found that primary care clinicians' likelihood of prescribing antibiotics for ARIs [acute respiratory infections] increased during clinic sessions, consistent with the hypothesis that decision fatigue progressively impairs clinicians' ability to resist ordering inappropriate treatments.").

48. Drake Baer, *Always Wear The Same Suit: Obama's Presidential Productivity Secrets*, FAST COMPANY (Feb. 12, 2014), https://www.fastcompany.com/3026265/always-wear-the-same-suit-obamas-presidential-productivity-secrets.

49. Stefanie Smith, *Zuckerberg: I Wear Same Shirt Daily for a Reason*, CNBC (Nov. 7, 2014, 11:51 AM), https://www.cnbc.com/2014/11/07/5-things-we-learned-in-mark-zuckerbergs-facebook-qa.html. To be clear, we are not advising you to create a redundant wardrobe, as this may not be a realistic or beneficial overall strategy for many of you, in light of society's emphasis on fashion and appearance. We are instead inviting you to identify aspects of your life where you waste valuable cognitive firepower on decisions that do not provide any real benefit to your life.

Moreover, as our reservoir of energy and will power slowly declines throughout the day, we become more emotionally imbalanced, impatient, and reactive. If you have ever gotten into an 11 p.m. argument with your significant other, family member, or close friend – over a frivolous issue that would normally not trigger you – after a long and painful day of airports, taxis and delays as you travel home from an out-of-state trip, you have experienced will power depletion.[50]

In order to master one's energy supply, we must attempt to view every action, decision, and thought-process expressly from the perspective of energy and will power depletion. Rather than myopically focusing only on making the "best" decision or taking the "ideal" action in every micro-situation on an *ad hoc* basis, we need to ask ourselves: how much energy and will power should I dedicate to this particular decision or action, and would I be better served to preserve some of that energy for other decisions and actions in the day, even if it means making a slightly "worse" micro-decision in this moment? Examples of micro-decisions and micro-actions we succumb to throughout the day that aggregate to deplete our cognitive firepower may include what we wear, what we eat (did we really need to engage in a 15-minute debate with our coworker over whether to go to a Mexican or Mediterranean restaurant for lunch?), whether we engage in that 10-minute water cooler gossip with our colleague, whether we spend the time and effort trying to prove and persuade regarding an opinion or position we hold, and how much time and effort to spend on each particular email or text message throughout the day. Every person who is reading this is likely guilty of having spent *twice* as much time as necessary on a particular email yesterday, when your extra effort realistically had no discernible effect on the situation. When all of these micro-decisions accumulate over the course of the day (and weeks, and months), our energy levels and cognitive resources for important tasks are materially dwindled.

One recommended technique is to quickly place every micro-decision into one of five priority "buckets" that will provide you with guidance on

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We also want to note that a gender disparity likely exists on this topic. The ability of Zuckerberg, Obama, and other *men* to streamline their wardrobe as a way to reduce decision-making may not be as available to women, sadly, in similar roles – as several studies confirm that women's clothing choices are much more scrutinized, rendering a "same-every-day" outfit imprudent and risky for the average woman in business or law. *See* Emma Rees, *Clothes Do Not Make the Woman: What Female Academics Wear is Subject to Constant Scrutiny*, THE MAGAZINE (Apr. 5, 2018), https://www.timeshighereducation.com/features/clothes-do-not-make-woman-what-female-academics-wear-subject-constant-scrutiny.

50. Decisional fatigue/will power depletion is also widely viewed as a reason virtually all mediations reach settlement after 5pm: litigants become "broken down" over the course of an entire day of negotiations and once depleted, are more likely to agree to terms they would have rejected when fresh and energized.

how much of your precious resources to dedicate to the issue: (1) important; (2) above average; (3) average; (4) below average; and (5) unimportant. This mental label may only take two to three seconds per decision, but could save you minutes (or even hours) and heaps of cognitive fuel in making or executing that decision. Another example: most of us get trapped into treating "below average" emails as if they are "above average" emails, which tangibly effects the amount of time, energy, and resources we devote to the email. When we start correcting these repetitive misallocations of resources throughout the day, we will notice ourselves experiencing renewed energy, emotional buoyancy, and cognitive firepower. Our emotional well-being and cognitive performance will inevitably escalate.

(5) EMOTIONS

Dead are the days of pretending we are invincible legal warriors who are "too strong" to feel stress, anxiety, sadness, and other challenging emotions. For centuries the legal industry has been marred by delusion, denial, and toxic suppression of normal human emotions. We have been dangerously conditioned to believe that if we experience these challenging emotions (which all humans experience), it means we are weak, unreliable, and incompetent as a lawyer, and person. Unsurprisingly, the objective data reveals that lawyers suffer from emotional and mental challenges at higher rates than perhaps any other profession.[51]

As a matter of basic science, it is beyond dispute that when emotions are denied or suppressed, they wreak far greater havoc and cause far greater problems.[52] It is equally well established that when we openly and honestly acknowledge our painful emotions to ourselves, they can become more decipherable and we can take intelligent actions to reduce their intensity.[53] Indeed, you cannot change what you cannot see.

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51. *See supra* note 1 and accompanying text.

52. Nazanin Derakshan et al., *Emotional Information Processing in Repressors: The Vigilance-Avoidance Theory*, 21 COGNITION & EMOTION 1585, 1585–614 (2007); Phillip J. Quartana et al., *Anger Suppression, Ironic Processes and Pain*, 30 J. BEHAV. MED. 455, 466-67 (2007); Daniel M. Wegner & Ralph Erber, *The Hyperaccessibility of Suppressed Thoughts*, 63 J. PERSONALITY & SOC. PSYCHOL. 903, 903-12 (1992); Daniel M. Wegner & Daniel B. Gold, *Fanning Old Flames: Emotional and Cognitive Effects of Suppressing Thoughts of a Past Relationship*, 68 J. PERSONALITY & SOC. PSYCHOL. 782, 791 (1995); Daniel A. Weinberger et al., *Low-anxious, High-anxious and Repressive Coping Styles: Psychometric Patterns and Behavioral Responses to Stress*, 88 J. ABNORMAL PSYCHOL. 369, 369-70 (1979); Richard M. Wenzlaff et al., *Beneath the Veil of Thought Suppression: Attentional Bias and Depression Risk*, 15 COGNITION & EMOTION 435, 448-49 (2001).

53. *See supra* note 52 and accompanying text; *see also* Emily A. Butler et al., *The Social Consequences of Expressive Suppression*, 3 EMOTION 48, 56-57, 62 (2003); Afsoon Eftekhari et al., *Patterns of Emotion Regulation and Psychopathology*, 22 ANXIETY STRESS COPING 571, 571-

In order for law students and lawyers to maximize their emotional wellness, they first must acknowledge to themselves that challenging emotions are a completely normal aspect of the human condition. They must consciously attempt to *un-learn* the conditioned, false belief that experiencing challenging emotions is an indicator of one's inherent weakness, inadequacy, or defectiveness. And they must consciously *violate* this conditioned, false belief by openly disclosing their challenging emotions to people they trust. Only if they deliberately and consistently attempt to break this deeply ingrained belief can they start to erode its powerful chokehold over their psyche.

In addition to normalizing challenging human emotions, we can apply a series of tangible tools to healthily process and transcend those emotions. Such tools include: (i) Locate, Label & Love; (ii) Emotional Yin-Yang; (iii) Empty Chair; and (iv) Somatic Processing.[54]

The "Somatic Processing" technique involves disempowering the emotion by becoming fully present to it and identifying it with ultimate clarity.[55] Like assassins, emotions are most destructive when they are overlooked or lurking in the shadows. You begin by identifying exactly where in the body you are feeling the challenging emotion. The goal is to identify the exact location of the emotion – as if you are scanning and observing your body to locate the region in which the emotion resides. Is it in the stomach? Head? Throat? Solar Plexus? If elsewhere, where? Once the location is identified, ask yourself what the emotion physically looks like. Does it have a particular size or shape? Does it have a specific color or is it black-and-white? What is its density like – is it compacted and heavy, or is it light and airy? Is it moving, or stagnant? If it is moving, where is moving to? If it is stagnant, is it still stagnant a few seconds later? You will notice when you practice this tool that the process of identifying the precise details of the emotion has likely caused a material reduction in the intensity of the

86 (2009); John A. Lambie & Kevin L. Baker, *Intentional Avoidance and Social Understanding in Repressors and Nonrepressors: Two Functions for Emotion Experience?*, 4 CONSCIOUSNESS & EMOTION 17, 19-20 (2002); Lynn B. Myers & Chris R. Brewin, *Illusions of Well-Being and the Repressive Coping Style,* 35 BRITISH J. SOC. PSYCHOL. 443, 443–57 (1996); Jane M. Richards, *The Cognitive Consequences of Concealing Feelings*, 13 CURRENT DIRECTIONS IN PSYCHOL. SCI. 131, 131–33 (2004); Lizabeth Roemer & Thomas D. Borkovec, *Effects of Suppressing Thoughts About Emotional Material*, 103 J. ABNORMAL PSYCHOL. 467, 467–74 (1994); Sanjay Srivastava, *The Social Costs of Emotional Suppression: A Prospective Study of the Transition to College*, 96 J. PERSONALITY & SOC. PSYCHOL. 883, 883-97 (2009).

54. Due to space constraints, we are unable to address all of these tools, but will describe the last two.

55. Somatic experiencing therapy (SE), developed by Dr. Peter Levine, and premised upon ancient techniques of somatic processing, is described at https://www.thetraumatherapistproject.com/podcast/peter-levine-phd/.

emotion. The more you simply experience the somatic effects of the emotion, and the less you intellectually toil with and vilify the emotion, the more the emotion will fade.

The "Empty Chair" technique is one of the lodestar techniques of Gestalt Therapy, whereby you imagine the difficult emotion sitting in a chair across from you, and you have a back-and-forth conversation with the emotion, to better understand what it is doing there, and what its purpose is. Research reveals that this technique for directly engaging the challenging emotion often causes a material reduction in the intensity of the emotion, or new awareness that improve one's overall emotional state.[56]

The key conclusion here is that if we want to maximize our emotional wellness (and our physiologically-linked cognitive functioning), we must consciously reject the antiquated and dangerous "deny and suppress" method of dealing with challenging emotions, and instead transparently face and engage those emotions. We must befriend our challenging emotions by seeing them with clarity, speaking about them, and directly working with them.[57] Otherwise, they will lurk in our unconscious and cause us far greater pain, and cognitive impairment. So in order to enhance our emotional and cognitive functioning, we must face and befriend our most challenging emotions.

(6) BEHAVIOR

In addition to the above-mentioned *internal* Elements, our *external* behavior is also critical to our Self-Mastery. Unlike our thoughts or perspectives, or sense of purpose, which reside within us and are generally invisible to outsiders, our behavior is reflected externally and can be observed from the outside. Many of the external actions we take – although enjoyable or satisfying in the moment – undermine our emotional and cognitive wellness. They increase our stress, fatigue, and distractibility, yet we impulsively take these actions and then feel the effects afterwards. If we

56. Colle W. Conoley et al., *The Effect of the ABCs of Rational Emotive Therapy and the Empty-Chair Technique of Gestalt Therapy on Anger Reduction*, 20 PSYCHOTHERAPY: THEORY, RES. & PRAC. 112, 112-17 (1983); Leslie S. Greenberg & Lyse M. Dompierre, *Specific Effects of Gestalt Two-Chair Dialogue on Intrapsychic Conflict in Counseling*, 4 J. COUNSELING PSYCHOL. 288, 288-93 (1981); Leslie S. Greenberg & Laura N. Rice, *The Specific Effects of a Gestalt Intervention*, PSYCHOTHERAPY: THEORY, RES. & PRAC. 31, 35-36 (1981); Sandra C. Paivio & Leslie S. Greenberg, *Resolving "Unfinished Business": Efficacy of Experiential Therapy Using Empty-Chair Dialogue*, 63 J. CONSULTING CLINICAL PSYCHOL. 419, 419-24 (1995).

57. Certainly, a regular mindfulness practice can and does help an individual to see emotions with clarity; however, mindfulness practice *alone* does not answer the question of how to "work with" and then shift a challenging emotion. For that work, the other tenants of self-mastery are needed.

do not make these decisions purposefully and consistently with science, our emotions and cognition will suffer.

Two examples of actions (out of many) that directly affect our emotional wellness and cognitive performance are how we spend short breaks and how we use our smart phones.

How We Spend Short Breaks

Say you finish one cognitive task and decide you will take a 15-minute break before starting the next task. If you are like most individuals, you will likely spend those 15 minutes doing one, or some, of the following activities: web browsing, social media, personal email, texting, or socializing on the phone or in-person. After enjoying yourself for those 15 minutes, you will promptly return to your work and notice a very disturbing thing occurs: you are exhausted and cannot concentrate! This is something we all experience: we take a break from work in order to rest and rejuvenate, and then when we return to our work, we notice our brains are exhausted and we feel no more rejuvenated than we felt at the outset of the break. Why is this? Because the vast majority of activities we engage in during our breaks – including each of the activities listed above – involves nearly identical neurological behavior as the work itself. You see, when we engage in any of the above activities during our break, our brain is working tirelessly and engaging in virtually all of the same neurological functions it engages in while actually working.[58]

58. For example, when you read an internet article on your favorite political or sports website, your brain is forced to engage in reading comprehension, new memory formation (which occurs automatically as you read new information), sustained attention (as you focus on each sentence and paragraph), memory retrieval (as you recall prior events or statements that provide context for or relate to the contents of the article), normative analysis (as you internally decipher whether you agree or disagree, like or dislike, the perspective being expressed), and pattern recognition (the human brain's tendency to not only recognize patterns and tendencies based on the underlying events, but to automatically reach conclusions as to what patterns or events may unfold in the future as a result of these underlying recognitions). Thus, when you take a break from work to read a simple article about your favorite sports team or a development in politics, your brain is engaging in reading comprehension, new memory formation, sustained attention, memory retrieval, normative analysis, and pattern recognition. To your brain, the simple activity of reading an enjoyable news article feels like grueling work. Thus, despite the fact that this activity is emotionally satisfying, it is *neurologically depleting*. So when we return to work, our brain does not even know it took a break. So we feel depleted and fatigued, and over the course of the weeks and months, our overworked brain starts to feel burnt out. Then, when we are actually "working," our brain is functioning at a far lower capacity than it otherwise would if we used our interim breaks to rest and rejuvenate the brain. The result is that we are far less focused and efficient, and far more distracted and delayed, in our work. This, in turn, makes us feel stressed, frustrated with ourselves, and overwhelmed by the amount of work we are not completing. In this way, how we spend our 15-minute breaks is critical to our stress levels and cognitive functioning.

Rather than engaging in neurologically challenging tasks during our short breaks, it is important that we engage in neurologically rejuvenating tasks. And what are these? They are plentiful, but essentially any activity that involves primarily right hemisphere activation, such as art, music, meditation, spatial processing, purposeful day-dreaming, or right-brain activation exercises.[59] By intentionally unplugging from the "language and logic" center of the brain during our short breaks, we can then return to our work with rejuvenated focus, attention, and brainpower. Our cognitive performance – and emotional wellbeing – will be significantly enhanced.

Smart Phone Use

Another example of an external behavior that directly impacts our cognitive performance and emotional well-being is the use of our smart phone. Smart phones provide a litany of benefits and conveniences that make life easier to navigate in many ways, but if not mindfully used, our smart phones quickly become *cognition-killers*, and *stress-enhancers*.[60] Obviously smart phones provide a major temptation for pulling us away from our work at any given moment: an infinite source of entertainment, information, and socializing is inches away at all times. Thus, as an initial matter, our smart phone can significantly impede our sustained attention and productivity by literally pulling us away from our casework or classwork – which occurs regularly for most people. Our ability to exercise will power by not over-checking our smart phone is critical to cognitive performance and overall productivity.

More importantly, our smart phones can greatly impair our focus and productivity even when we do not check them![61] That is, even if we withstand the gnawing temptation to check our phone while working on a cognitive task, several research studies reveal that the mere *presence* of a smart phone during cognitive tasks significantly undermines our emotional

59. Right brain activation exercises include any habitual activity done in a non-habitual way. For example, if you write your name with your non-dominant hand and from right-to-left (and then upside down), or if you walk to the bathroom in the office or library via a completely different route (or even while side-stepping), your brain will be using regions that generally remain relatively dormant as you perform your typical analytical tasks. The analytical regions of your brain will finally be getting some actual rest, and then when you return to analytical thinking after your break, you will notice your analytical mind firing on all cylinders. But the majority of us engage in analytical thinking the entire day – without pause – whether we are technically "working" or "on break." It is no surprise that cognitive fatigue and lethargy are the new normal.

60. Henry H. Wilmer et al., *Smartphones and Cognition: A Review of Research Exploring the Links Between Mobile Technology Habits and Cognitive Functioning,* 8 FRONTIERS IN PSYCHOL. 605, 605 (2017).

61. *See id.*; Bill Thornton et al., *The Mere Presence of a Cell Phone May be Distracting Implications for Attention and Task Performance*, 45 SOC. PSYCHOL. 479, 479 (2014).

wellness and cognitive functioning on the task. That's right, your smart phone can impair your focus and cognitive functioning *even when you resist the urge to check it*. The research shows that the mere *sound* or *sight* of your smart phone leads to reduced attention and reduced performance on the cognitive task at issue.

In one study,[62] researchers provided the participants with reading comprehension tests, while monitoring their heart rates, sweating, and other indicators of stress. The researchers had the participants place their smart phones on the desk but out of reach – under the ruse that checking the smart phone or having it within reach would interfere with the laboratory's ability to measure stress. The researchers then covertly sent periodic text messages to the participants, and then measured their physiological stress and reading comprehension performance when they heard their phones ding but were unable to check their text messages.

The results were clear: the mere sound of the participants' smart phones caused their stress and anxiety levels to spike, and their reading comprehension abilities to plummet in the periods following a ding.[63] During extended periods of smart phone inactivity, the participants stress levels dropped and their reading comprehension levels spiked. So even if we resist the urge to check our smart phones, simply hearing that we are receiving messages causes our stress to rise and our cognition to drop.[64]

In another study,[65] the participants were given attention-based cognitive tasks to perform, and each subject performed the first half of tasks with his or her smart phone on the desk, and the second half of tasks with the smart phone out of sight in the participant's bag. In order to induce this condition

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62. Cary Stothart et al., *The Attentional Cost of Receiving a Cell Phone Notification*, 41 J. EXPERIMENTAL PSYCHOL.: HUM. PERCEPTION & PERFORMANCE 893, 893-97 (2015).

63. *See id.* at 895.

64. A litany of research reveals that increased smart phone use is associated with increased stress, anxiety, and emotional disturbances. *See* Jon D. Elhai et al., *Problematic Smartphone Use: A Conceptual Overview and Systematic Review of Relations With Anxiety and Depression Psychopathology*, 207 J. AFFECTIVE DISORDERS 251, 257 (2017) (reviewing 117 sources, including 23 peer-reviewed studies, addressing the alleged connection between smart phone use and mental health, and concluding that elevated smart phone use is indeed associated with elevated symptoms of depression, mental distress, anxiety, and impairments in self-esteem); *see also* Andrew Lepp & Jacob E. Barkley, *The Relationship Between Cell Phone Use, Academic Performance, Anxiety, and Satisfaction with Life in College Students*, 31 COMPUTERS HUM. BEHAV. 343, 344-48 (2014) (assessing the frequency of smart phone use across 496 college students and concluding that the students' smart phone use was positively correlated with anxiety and negatively correlated with GPA).

65. Adrian F. Ward et al., *Brain Drain: The Mere Presence of One's Own Smartphone Reduces Available Cognitive Capacity*, J. ASS'N FOR CONSUMER RES. 140, 140- (2017); *see also* Thornton et al., *supra* note 61 (similarly concluding that the mere presence of smart phones significantly impairs cognitive performance).

and protect the integrity of the study, the researchers informed the participants they should keep their smart phone on the desk for the first set of tasks because during that set they may be asked questions about details of their smart phone. Yet they were instructed to stow away their smart phone for the other set of tasks because they would not need their smart phone. When the subjects' smart phones were stowed out of visibility, they performed an average of *23.8% better* on the cognitive tasks.[66] To repeat: the *same person* had a 23.8% difference in cognitive performance based solely on whether their phone was visible during their cognitive tasks.

The moral of the story is that we are similar to a monkey who is trying to perform an important task with a delicious banana sitting next to him the entire time. The mere sight of the banana occupies so much of the monkey's attention that his performance on the task before him is diminished. So, if you are a monkey who is reading this, you would be prudent to hide the banana out of your vision while you are performing cognitive tasks. And if you are a human who is reading this, you would be prudent to hide the smart phone out of your vision (and put it on mute) while you are performing cognitive tasks. Whether it is in your desk drawer, purse, or backpack, do not allow yourself to see or hear your smart phone while you are working (or in a class or meeting). When you need to check it, simply reach into your drawer or purse, and when you are done, store it away again.

This is a very simple technique for immediately improving one's focus and cognitive performance throughout the day. Yet, very few law students or lawyers are aware that the resting location of their smart phone can play a critical role in their cognitive performance.

Plain and simple: if we want to master our legal work, we must master the tangible behaviors that directly impact our cognitive performance and emotional wellness, such as the use of our smart phone and our short work breaks. We simply cannot obtain peak performance and overall happiness if we do not purposefully identify and enhance our external behaviors.

(7) COMMUNICATION

In order to enhance our emotional state and our cognitive functioning, we must also master interpersonal communication.[67] Interpersonal conflict and interpersonal stress are a significant cause of the emotional turmoil in the

66. Ward et al., *supra* note 65 and accompanying text.

67. Although interpersonal communication is technically a form of external "behavior," we have separated these two concepts into separate categories: "behavior" regarding our external conduct that does not directly involve another person, and "communication" as our external conduct that directly involves another person. Peak performance and emotional enhancement necessitate mastering both.

average person's life. Most people feel they spend far too much time each week managing, ruminating over, and strategizing over conflicts and other interpersonal disagreements in their lives. Not only does interpersonal conflict impair our cognitive performance and productivity in work and school in the period following the conflict, it also has been shown to be a prominent factor in anxiety, depression, and other intrapersonal disturbances.[68]

Answer this question: *how is your focus and productivity in your work in the two hours after having a conflict with a loved one or close friend?* The truth is that we all know that our interpersonal relationships play a critical role in our emotional and cognitive health, yet very few of us have received any formal training on interpersonal communication. This would be akin to a bridge engineer being aware that physics plays a critical role in the ability to build a safe and structurally stable bridge, yet choosing to never receive any training or education in physics! We would never allow a bridge maker to simply "skip" training on physics and let him just go with his gut. Yet we allow lawyers to do just this when it comes to building healthy relationships. If we want our relationships to support and enhance, *rather than impair*, our cognitive and emotional functioning, we must purposefully upgrade our interpersonal communication skills.

Enhancing our interpersonal communication involves learning (and consistently applying) tangible tools of Ascended Listening and Ascending Speaking – particularly in moments of tension, conflict or challenge in our relationships. In a sense, these tools are "simple but not easy" (as the old adage goes), in that they are simple to understand and are largely intuitive,

68. *See* Kirk R. Blankstein et al., *Depression, Problem-Solving Ability, and Problem-Solving Appraisals*, J. CLINICAL PSYCHOL. 749, 749 (1992); Thomas D'Zurilla & Collette F. Sheedy, *Relation Between Social Problem-Solving Ability and Subsequent Level of Psychological Stress in College Students*, 61 J. PERSONALITY & SOC. PSYCHOL. 841, 841-46 (1991); David A.F. Haaga et al., *Social Problem-Solving Deficits, Dependency, and Depressive Symptoms*, 19 COGNITIVE THERAPY & RES. 147, 147 (1995); Gail L. Kant et al., *Social Problem Solving as a Mediator of Stress-Related Depression and Anxiety in Middle-Aged and Elderly Community Residents*, 21 COGNITIVE THERAPY & RES. 73, 73 (1997); Esme A. Londahl et al., *The Relations of Internalizing Symptoms to Conflict and Interpersonal Problem Solving in Close Relationships*, COGNITIVE THERAPY RES. 445, 445 (2005); Randi E. McCabe et al., *Interpersonal Sensitivity and Social Problem-Solving: Relations with Academic and Social Self-Esteem, Depressive Symptoms, and Academic Performance*, 23 COGNITIVE THERAPY & RES. 587, 587-604 (1999); Amber Nazir & Humaira Mohsin, *Coping Styles, Aggression and Interpersonal Conflicts among Depressed and Non-Depressed People*, 3 HEALTH PROMOTION PERSP. 80, 80-89 (2013); Arthur M. Nezu & George F. Ronan, *Social Problem Solving as a Moderator of Stress-Related Depressive Symptoms: A Prospective Analysis*, 35 J. COUNSELING PSYCHOL. 134, 134-38 (1988); Arthur M. Nezu, *Differences in Psychological Distress Between Effective and Ineffective Problem Solvers*, 32 J. COUNSELING PSYCHOL. 135, 135-38 (1985); Kerry A. Reynolds et al., *Impact of Interpersonal Conflict on Individuals High in Unmitigated Communion*, 36 J. APPLIED SOC. PSYCHOL. 1595, 1595 (2006).

yet they are not easy to consistently live by when intensity brews in our relationships. Making them part of our daily practice takes time, devotion, and effort.

Tools of Ascended Listening include (i) listening without interruption; (ii) listening to understand rather than to rebut; (iii) listening for commonality rather dissonance; (iv) seeking to understand first and be understood second; and (v) asking open-ended questions as part of your listening.

For example, you may notice that when you are in conflict with someone and he says something you completely disagree with or dislike, your very next statement is highly unlikely to be an open-minded question. ("What the hell is wrong with you?!" does not qualify as an open-minded question, by the way.) Typically, the more we dislike or disagree with a statement, the less likely we are to ask an open-minded question. The problem is that as conflict starts to intensify, both parties stop asking questions and start trading increasingly intense proclamations, which only adds fuel to the growing intensity. The power of one person pulling back, resisting the urge to express an opinion, and instead asking an open-ended question is transformative.[69] Nothing stops conflict in its track more quickly than an open-minded question. It helps the other person feel understood and cared for, reduces their defensiveness and aggression, and tends to deescalate the situation immediately.[70]

Tools of Ascended Speaking include (i) summarizing and "reflecting back" what the other person just said; (ii) making purposeful concessions that demonstrate personal accountability; (iii) framing the issues from the perspective of the parties' underlying (unspoken) values rather than their superficial (stated) strategic positions; (iv) expressing stress or hurt without anger or judgment; and (v) ultimately choosing happiness and integrity over being "right" in the moment.[71]

Let us give you a real-life example of the third tool by describing something that occurred between us (the authors) last academic year. As part of our law school *Mindfulness, Stress Management, and Peak Performance Program*, we decided to break the students into "small discussion teams" throughout the semester in order to advance their experiential and social-emotional learning. We decided that after breaking the students into their

69. Examples of open-ended questions include: "Can you tell me more about why you feel that way?" "I'd like to better understand your perspective – what do you think would occur if we went with your approach?" "I have noticed this theme coming up in our prior conversations, is this a similar issue you have raised in the past or is this different?"

70. MARSHALL B. ROSENBERG, NONVIOLENT COMMUNICATION: A LANGUAGE OF LIFE (Lucy Leu ed., 3rd ed. 2015).

71. *See id.*

teams for the first time, we would have them pick a team name, take their own attendance, select a team leader for each class in the semester, and answer the heart-centered discussion question, "what is an important event in your life – either of struggle or triumph – that has helped shape the person you are today?"

We were both enthused, cheerful, and in full alignment about this upcoming class, until we realized we had completely different – and strongly held – views on the *order* of things. Professor Simon thought it was obvious that the teams should start by addressing the three logistical issues (team name, attendance, and team leader), and *then* begin the group discussion question. Professor Green thought it was equally obvious that the teams should start with the group discussion question, and *then* work through the logistical issues. We were each very clear that our perspective was better, and we made this known to the other person. (Neither of us suffers from a lack of confidence or persuasion skills.) As we started "butting heads" and trying to convince the other person, the intensity began to build. We could feel that things were escalating quickly and going in the wrong direction. Suddenly, we decided to pause the convincing and step away from "right and wrong," and instead dig into what our *underlying values* on the issue were.

Professor Simon shared that the underlying value driving her position was the value of facilitating *emotional intimacy and vulnerability* on the discussion question. She explained that if she were a student in this situation, she would be very hesitant to open up on the deep discussion question if it were the first item on the agenda because it would feel awkward and forced, but if the logistical issues were addressed first, she would feel the ice-breaking and camaraderie building, which would allow her to open up much more authentically and vulnerably once the team moved to the discussion question. Professor Green then shared the underlying value that was driving his position: *emotional intimacy and vulnerability* on the discussion question too! He shared that if he were a student in this situation, he would open up deeply if it were the first item on the agenda because he loves getting right into deep, emotional conversations – even with strangers, but that if he were instructed to do the logistical issues first, he would emotionally withdraw because he dislikes logistics and finds group decision-making (such as picking a team name) emotionally challenging, and hence, if the discussion question were at the end of the agenda, he would be less authentic and vulnerable in his expression.

We both laughed upon realizing that we actually did not disagree with each other. We were both coming from the exact same *underlying value*. That value simply led to different strategic positions for the two of us, based on our personalities and unique behavioral patterns. But, we could see how

aligned and in agreement we were on the core issue: we both were prioritizing the facilitation of emotional intimacy and vulnerability on the discussion question for the students. The moment we saw our complete alignment and agreement on the core underlying value, the tension between us melted away. And even more, a new strategic position – *that neither of us previously saw* – effortlessly arose at that moment: we would allow each team to decide the order of their agenda based on what they, as a group, determined would best facilitate the depth of their own discussion on the question.

This was a perfect solution, which neither of us could see when we were stuck in "proving" our respective positions. The new strategic position was also in full alignment with the self-leadership principles that we emphasize in the program. The technique of focusing on *underlying values* (rather than differing *strategic positions*) in times of disagreement led to a quick and effortless resolution of our disagreement. As a result, we both avoided a great deal of emotional distress and cognitive depletion from the lengthy and intense debate that would have otherwise ensued. Imagine how much more productive – and happy – we both were for the remainder of the day.

Lawyers and law students cannot expect to maximize their emotional wellness and cognitive performance if they do not master interpersonal communication. Without consistently applying evidence-based, ascended communication techniques, we will inevitably succumb to long and draining conflicts that undermine our emotional health, productivity, and cognitive focus.

IV. IMPLEMENTATION

We have integrated teaching Mastery of the Seven Elements of Self into the law school context and law firm space over the last three years.

Legal Academy

We are co-founders of the *Mindfulness, Stress Management, & Peak Performance Program* for law students (the "Peak Performance Program"). In 2016, we ran the program for two years at Southwestern Law School.[72] The program is now running at USC Gould School of Law in Los Angeles. The *National Task Force on Lawyer Well-Being* recommended our program in its seminal report in August 2017, stating it will have a "transformative

72. REBECCA A. SIMON & JARRETT A. GREEN, THE MINDFULNESS STRESS MANAGEMENTS & PEAK PERFORMANCE PROGRAM: PILOT YEAR FALL 2016 – SPRING 2018 3-4 (2018), https://professorsimoncoaching.files.wordpress.com/2019/04/peak-performance-program-report.pdf.

effect on law student well-being".[73] We were honored to receive this important recognition.[74]

The *Mindfulness, Stress Management, and Peak Performance Program* provides students with self-mastery tools, techniques, and practices for coping with the stressors and emotional difficulties that inevitably arise in law school. The program also provides students with a collection of science-based techniques for optimizing their cognitive functioning and academic success in law school, and beyond. We have expanded the self-mastery offerings this year by providing Bar Peak Performance programming at USC Gould School of Law, UC Hastings, and other law schools.[75] We also teach a Self-Mastery elective course at UC Irvine Law School.

Our programs have assisted hundreds of students thus far, in 1L/2L/3L programs and in the bar preparation process, in developing a mastery of the law by helping to eliminate stress barriers and maximize their cognitive performance. Students have widely reported that the tools they have learned have helped them develop a mastery of themselves, both emotionally and cognitively (the key self- management/leadership/executive tools described by design above). As a result, the students who have participated in the *Peak Performance Program* have experienced greater joy and happiness, less anxiety and stress, and have gained peak performance tools for their classes and the bar exam. In addition, there was a significant academic achievement correlation as well (although the authors acknowledge that correlation is not causation).[76] Finally, the student testimonials – included as a linked

73. NAT'L TASK FORCE ON LAWYER WELL-BEING, CREATING A MOVEMENT TO IMPROVE WELL-BEING IN THE LEGAL PROFESSION 39 (2017), https://www.americanbar.org/content/dam/aba/images/abanews/ThePathToLawyerWellBeingReportFINAL.pdf.

74. *Id.*

75. The UC Hastings students are completing the program fully online. *See* http://www.barpeakperformance.com.

76. There is an academic achievement correlation with the *Peak Performance Program* pilot years (2016-2018). Of the 18 total "CALI Awards" (the highest grade in a given doctrinal course) earned by 1L students (daytime and evening students at Southwestern Law School) during the first semester in the first year of the program, 12 of these CALI Awards were earned by students who completed the Peak Performance Program ("PPP"). Thus, 66.6% of the CALI Awards were earned by students in the PPP. This statistic is even more significant when considering the fact that the PPP students represented a small minority of the total 1L students. Indeed, less than 19% of all 1L students completed the program. However, notwithstanding that less than 19% of all 1L students completed the PPP (and more than 81% did not), 66.6% of the CALI Awards were earned by PPP students. The PPP students earned CALI Awards at a rate that was disproportionate to their representation among the entire 1L student population. Importantly, when analyzing the 1L students who academically "underperformed" in the first semester (as indicated by being placed in the Academic Improvement Program in Spring), the data reveals that students who completed the PPP sessions were 28.7% less likely to be placed in AIP. This finding is based on the following data: of the 185 total 1L students across all sections, 36 of them completed the Peak Performance Program ("PPP"), and 149 did not. Of the 36 who completed the PPP, 10 landed in the Academic

Addendum – indicate that the students that have completed the program have had a transformational experience.[77] We know these students will carry the stress management and peak performance techniques they have learned into their legal careers and personal lives as well. We are honored to be part of their journeys.

Legal Profession

When we introduce these self-mastery principles to lawyers and law firms, the impact on lawyers and law firms is tremendous. We have worked with dozens of entities in law and business, including many of the largest and most prestigious law firms and corporations in the country, and the evaluations and data show that the participants' stress reduces, productivity increases, and overall happiness improves as a result of the programming. We could spend an entire article outlining the positive effects of entering the law firm space and bringing these teachings into that environment. Our widespread client testimonials reflect the impact of this work on lawyers who have been through our trainings.[78] It is abundantly clear to us that maximizing one's emotional health and professional greatness in the legal arena, and indeed in all high-stakes business industries, involves learning and applying these techniques of self-mastery.[79]

Improvement Program ("AIP"). Thus, 27.7% of students who completed PPP ended up in AIP. Conversely, of the 149 students who did not complete PPP, 58 of them landed in AIP. Thus, 38.9% of students who did not complete PPP ended up in AIP. *Accordingly, students who completed the PPP were significantly less likely to end up in the AIP.* Only 27.7% of students who completed the PPP academically "underperformed" in their first semester of law school, yet 38.9% of students who did not complete the PPP academically "underperformed" in their first semester of law school. This 11.2% difference between the two groups reflects that students who completed the PPP were 28.7% less likely to end up in the AIP than students who did not complete the PPP (i.e., 11.2% divided by 38.9% equals 28.7%.) An Economist from the UCLA School of Economics who specializes in, *inter alia,* academic and other intervention programs, Dr. Alan Barreca, with whom we consulted, informed us that academic programs are considered successful if they yield a 3% to 5% difference between groups. He stated that a 28.7% difference among group performance is extraordinarily high according to long-established industry and historical norms. The 11.2% figure can also be conceptualized from the perspective of Southwestern Law School's 1L students who did not complete the PPP (i.e., the group of 149 students). According to the above data, these 149 students had a 40.4% increased likelihood of being placed in the AIP (i.e., 11.2% divided by 27.7% equals 40.4%.) This finding reveals that if a Southwestern 1L student did not complete the PPP, she or he was significantly more likely to end up in AIP. Again, Professor Barreca stated that this figure is exceptionally high. In sum, the available performance data reveals that students who completed the PPP significantly outperformed students who did not. *See* SIMON & GREEN, *supra* note 72, at 25-26.

77. *Id.* at 26-33.

78. *See* Jarrett Green, RECENT TESTIMONIALS (2019), https://perma.cc/4GGW-UVH2.

79. The ABA is committed, more than ever, to advancing the mental health and emotional well-being of lawyers, as revealed by the recently-issued ABA Well-Being Pledge. *See ABA*

V. CONCLUSION

Teaching self-mastery in law school is a key to our students' academic success, emotional wellness, and bar passage. Self-mastery programs for law firms and bar associations are a key to attorney happiness, productivity, and increasing success and wellness in the legal industry. Therefore, all law schools and law firms dedicated to producing happier and more productive lawyers should implement programs and/or courses that teach these self-mastery principles in a comprehensive, interdisciplinary, and sophisticated fashion to their law students and lawyers. The result will be a legal industry that is far healthier, happier, and better functioning.

Launches Pledge Campaign to Improve Mental Health and Well-Being of Lawyers, ABA (Sept. 10, 2018), https://www.americanbar.org/news/abanews/aba-news-archives/2018/09/aba-launches-pledge-campaign-to-improve-mental-health-and-well-b/.