

INTEGRATING POSITIVE PSYCHOLOGY INTO LEGAL EDUCATION

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I. INTRODUCTION

Positive psychology has emerged over the last twenty years as a field of study in which psychologists began to study the life well lived with the same scientific rigor they brought to helping people with mental dysfunction. Several foundational themes have emerged as the field has grown: we should seek to learn from what is going right as well as what is going wrong, and, as the late psychologist Christopher Peterson put it, we should seek to understand how “*other people matter*.”¹

For the last two years, Suffolk University Law School has hosted a national conference titled *Integrating Positive Psychology into Legal Education* (the “Conferences”). The Conferences brought together about two dozen law professors, administrators, psychologists, consultants, and practicing lawyers, (See the Appendix for a list of Conference participants.) Together, we reflected on how insights from positive psychology might also aid law student success during law school and continue upon entering the

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1. CHRISTOPHER PETERSON, A PRIMER IN POSITIVE PSYCHOLOGY 249 (2006). As James Pawelski, Director of the University of Pennsylvania Master of Applied Positive Psychology program, and his wife, Suzanne Pawelski, a graduate of that program, have written, much of psychological work involves a “red cape” focus – like a superhero fighting against wrongs, curing disease, and solving problems. There is also the complementary (but not opposite) “green cape” focus – looking for ways to build opportunity, community, peace, and justice. SUZANNE PILEGGI PAWELSKI & JAMES O. PAWELSKI, HAPPY TOGETHER 14 (2018). Much of legal education focuses more on “red cape” work, but the “green cape” focus has value as well, and that dimension of legal education is less well-explored, though the Conferences represent efforts in that direction.

legal profession. The purpose of both Conferences and this article is to address (1) some of the issues unique to law students and lawyers, and (2) specific actions law school administrators and professors can take to help students succeed.

It is important to clarify at the outset that some of the ideas that emerged from the Conferences and discussed herein are based in controlled research, others from participant experience, and still others from simply reporting what seems to work for the participants with their students. The Conferences therefore represent the beginning rather than the conclusion of an inquiry on how to best integrate the insights of positive psychology into legal education.

The format for the Conferences involved asking participants to make short presentations supplemented by written material that might be helpful to legal educators or their students. The Conference participants, the subjects of their presentations, and the materials prepared for the Conference (or published elsewhere and made available by the speakers at the Conference), can be found in an Appendix at the end of this article. Links to those materials are also available for each participant as well as their credentials and contact information. Readers interested in learning more about a specific idea or theme are encouraged to reach out to the participants directly and read their materials, as participants were asked to write something brief to encourage readership, especially among law students.

This article summarizes some of the insights from the Conferences with the hope that they may be useful to legal educators and their law students, recognizing that this summary can be only an introduction. The Appendix below indicates a wealth of topics and ideas, so this article organizes the conference presentations around some of the positive aspects of legal education, but with an understanding that positive psychology can complement it to make that professional education more effective.

II. WHY IS POSITIVE PSYCHOLOGY IMPORTANT FOR LEGAL EDUCATORS AND THEIR STUDENTS?

Recent studies on lawyer well-being indicate that some members of the legal profession are not thriving, but also potentially in distress.² Such distress begins in law school, as confirmed by those conducted by participant Jerome Organ.³ In recognition of this trend, in 2017, a special ABA Task

2. See Patrick R. Krill et al., *The Prevalence of Substance Use and Other Mental Health Concerns Among American Attorneys*, 10 J. ADDICTION MED. 46, 46, 51 (2016) (finding high rates of alcohol abuse, depression, and anxiety among 12,825 employed attorneys surveyed).

3. See Jerome M. Organ et al., *Suffering in Silence: The Survey of Law Student Well-Being and the Reluctance of Law Students to Seek Help for Substance Use and Mental Health Concerns*,

Force on Lawyer Well-Being called for a response by various stakeholders in the legal profession, including legal educators (the “Report”).⁴ (Participant Anne Brafford served as a leader on the Task Force and as Editor-in-Chief of the Report.) The Report highlighted the fact that a focus on lawyer well-being is not just a matter of identifying students or lawyers experiencing difficulty and helping them get clinical assistance.⁵ The Report also recommended looking at well-being as part of what it means to be a competent attorney.⁶

The Report also recommended that law schools should take more responsibility for their students’ well-being, including teaching related courses as part of the instructional program.⁷ This is a particularly timely recommendation because, as participant Lars Smith pointed out, the American Bar Association now requires law schools to articulate their desired educational outcomes and how those outcomes are assessed.⁸ He felt these new accreditation standards might provide a vehicle for law school administrators to introduce positive psychology into their curricula.⁹

The opportunity for legal education, therefore, involves not only responding to students who encounter problems but also to anticipate those problems in advance and, in so doing, help students to have fulfilling and successful careers as attorneys in the future. Earning a law degree involves

66 J. LEGAL EDUC. 116, 127, 133-35, 144-45 (2016) (reporting results of survey of law student well-being at fifteen law schools).

4. See BREE BUCHANAN ET AL., NAT’L TASK FORCE ON LAWYER WELL-BEING, THE PATH TO LAWYER WELL-BEING: PRACTICAL RECOMMENDATIONS FOR POSITIVE CHANGE 39 (2017), <https://perma.cc/492J-CTXV> (setting forth steps law schools should take to promote student well-being).

5. See *id.*

6. See *id.* at 25. Also, in 2018 Ms. Brafford worked with the ABA to prepare specific actions that law firms can take, many of which can be adapted to legal education. Ms. Brafford hopes to continue to build on these important recommendations. See generally ANNE BRAFFORD, WELL-BEING TOOLKIT FOR LAWYERS AND LEGAL EMPLOYERS (2018), https://www.americanbar.org/content/dam/aba/administrative/lawyer_assistance/ls_colap_well-being_toolkit_for_lawyers_legal_employers.authcheckdam.pdf.

7. The Report suggests that well-being topics should be included as part of first-year student orientation and the Professional Responsibility course. See BUCHANAN ET AL., *supra* note 4. In addition, it states that law schools should provide courses and lecture series designed to cover well-being topics in depth. See *id.* at 39-40. An appendix to the Report describes well-being topics on which law schools should focus, which are supported by empirical evidence. See *id.* at 50-57 app. B. These topics include work engagement versus burnout, stress and conflict management, resilience and optimism, mindfulness meditation, physical activity, leadership development, control and autonomy, work-life balance, meaning and purpose, and substance abuse issues. See *id.* The Report also provides additional topics and includes suggested student reading materials that may be explored in a course that delves deeper into the well-being topic. See *id.* at 61-62 app. E.

8. See Lars Smith, Address at the Suffolk University Law School: Integration of Positive Psychology into Legal Education Conference (June 16, 2018) (on file with author).

9. *Id.*

three years of full-time study and can require even more time if obtaining a degree within a part-time program. This study can comprise almost a tenth of the legal career of many lawyers and more than a tenth of the lives of many current law students, as participant Daniel Bowling observed.¹⁰ Legal educators need to help students realize a good return on that significant investment of time and money. The insights of positive psychology may help.

III. WHAT CAN BE DONE?

As the other articles in this Symposium issue (and from the Conferences) make clear, law schools have many opportunities to help improve their students' well-being. At Suffolk, I offer a two-credit course titled *Positive Psychology for Lawyers*, designed to ground students in positive psychology insights to help them during law school and in their future careers.¹¹ It is designed to help students take advantage of opportunities for more meaningful and ethical service, improved performance and well-being, and greater resilience in the face of challenges of the profession. I have described this course in an extensive article, including course materials, so readers are welcome to view it through the link in the Appendix. The course learning objectives and methods are summarized on pages 222-25 of the Article, and inquiries about the article are welcome.

A single course, however can reach only a few law students each year. Therefore, the subject of this article is to report some ideas which may aid in integrating the insights of positive psychology more widely into legal education to help many more students succeed. It is important, however, to emphasize that positive psychology is not a pill for every ill – indeed, illness should not be the primary focus as indicated at the outset – but a resource whose insights may be of value in appropriate contexts.

IV. UNDERSTANDING LEGAL EDUCATION AS BOTH AN OPPORTUNITY AND A CHALLENGE WITH BOTH BENEFITS AND BURDENS

Law school is a special educational experience, which many educators in other fields may find difficult to imagine without having experienced it themselves. Participant Rebecca Simon pointed out that students entering law school have not yet fully developed critical thinking skills and encounter

10. See Daniel S. Bowling III, Address at the Suffolk University Law School: Integration of Positive Psychology into Legal Education Conference (June 15, 2018) (on file with author) [hereinafter Bowling, Suffolk Address]; Daniel Bowling, Don't Forget to Enjoy the Journey (2018) (unpublished manuscript), <https://perma.cc/V5SB-6257>.

11. See Baker, *supra* note *, at 209.

a curriculum different from their prior educational experience.¹² Much like basic training in the armed forces, law school involves a specific type of learning that is designed to help students learn the foundations necessary to become good and successful lawyers. This is a benefit of law school. Similar to military combat training, a burden of law school is that the skills learned might not always be appropriate for everyday life. Therefore, integrating positive psychology into legal education requires an understanding that those insights need to complement what is being taught, so that the students are equipped with a well-balanced set of skills and abilities, as well as some practical wisdom of when and how to put them to use. The objective is not to reduce the rigorous nature of legal education, but to offer law students ways to be more successful in that environment, such as building on the strengths that they already have and the skills they can acquire.

A major premise of the Conferences is that well-being is a foundation for successful learning, and not just a byproduct of successful learning. The case for this idea has been made empirically for elementary and secondary education.¹³ The opportunity and challenge for legal educators is to integrate those same concepts into law school. This work is vitally important because as a nation we need competent, ethical, and effective lawyers to help shape the ordered liberty in our society that enables citizens to enjoy both political freedom and economic opportunity. This is a globally a rare combination, but one which is made possible in part because of our adherence to the rule of law.

Some of the specific benefits of a legal education are listed below, followed by a discussion of how positive psychology might help those benefits avoid becoming also part of its burdens, either from use outside of an appropriate context or overuse within one. This is just another application of the sense of proportion that good lawyers bring to their clients, highlighting the importance of balance that we associate with the scales of justice.

12. See Rebecca Simon, Address at the Suffolk University Law School: Integration of Positive Psychology into Legal Education (June 16, 2017) (on file with author). Ms. Simon shares with students her own difficulties with this transition when she entered law school – a teaching technique she refers to as “modeling.” Rebecca Simon, Teaching Note for Integrating Positive Psychology in Legal Education Conference (2017) (unpublished manuscript), <https://perma.cc/V5MX-ZARF>.

13. See generally Dr. Martin Seligman, *Positive Education*, YOUTUBE (May 11, 2017), <https://www.youtube.com/watch?v=igpqyuw6GLw> (explaining the opportunity for positive education).

A. *The Benefit and Burden of Critical Analysis*

Law school involves teaching students critical thinking and reasoned analysis of facts through the lens of applicable law – learning to “think like a lawyer,” as it is often called. In a society that values the rule of law, these are important and valuable skills. Law students are trained to use scrutiny and vigilance to identify faults, wrongs, and problems. This process begins in law school where many examinations frequently ask students to identify what is wrong, or what could potentially go wrong, in a given hypothetical. Success in law practice (primarily in litigation) - involves proving one’s case but also finding weaknesses, flaws, and errors in an adverse party’s arguments. Outside the courtroom, as participant Larry Richard observed, these skills are essential to anticipate problems to help protect clients, or to respond to problems appropriately should they arise.¹⁴ Lawyers are therefore being trained to be professional skeptics – an aspect Dr. Richard reported as a characteristic of 90-percent of attorneys he has surveyed over the years, far higher than the norm for other occupational groups.¹⁵

One of the challenges of learning this skill is that some lawyers turn this same capacity inward in ways that can be counterproductive. Certainly, self-reflection about our errors is important – otherwise we cannot learn from our mistakes. If reflection, however, turns into negative rumination – dwelling on personal difficulties - it can be harmful if it then impairs one’s ability both to see and focus on what is right in the world. Thus, “the more time you spend thinking skeptically and being surrounded by others who think in the same way, the more skeptical you may become over time.”¹⁶ This can spill over into a general *pessimistic explanatory style* – viewing the glass as half empty rather than half full – often useful for protecting a client’s interests but less useful in considering options where both opportunity and risk are present.¹⁷ This style may become even more dysfunctional if it turns into clinical depression. In short, critical analysis can be counterproductive when turned inward to become overly self-critical, or when turned outward to look primarily for what is going wrong in contexts where doing so is not necessary.

14. See Larry Richard, *How to Offset Negativity by Regulating Your Personality* (2018) (unpublished manuscript), <https://perma.cc/6GWV-FBA4>.

15. See Larry Richard, *Address at the Suffolk University Law School: Integration of Positive Psychology into Legal Education Conference* (June 15, 2018) (on file with author) [hereinafter Richard, Suffolk Address]; Richard, *supra* note 14.

16. See Richard, Suffolk Address, *supra* note 15; Larry Richard, *Herding Cats*, LAWYER BRAIN (1998), http://lawyerbrain.com/sites/default/files/caliper_herding_cats.pdf.

17. See generally MARTIN E. P. SELIGMAN, *AUTHENTIC HAPPINESS* (2002).

B. *The Benefit and Burden of Competition*

The very idea of a trial in court or debate in a legislature involves choices between competing people, interests, and ideals. Law students are often told that the vigorous advocacy they learn in law school is necessary for our system of justice to prevail. This can be a benefit of competition. It is part of the norm of the law that begins implicitly even before law school with the quest to be admitted to the most prestigious and highly ranked institutions. Doing so requires high LSAT scores and excellent undergraduate GPAs—essentially a requirement that one has significantly outperformed fellow applicants. Once in law school, almost all first-year courses involve graded examinations, often with mandatory or suggested grade curves to spread out the results, as many law students are often admitted in cohorts of similar records and potentially similar ability, as participant Dwayne Allen Thomas pointed out.¹⁸ Those first year grades determine which students are accepted on law reviews, receive graduation awards and are often viewed by employers as a sorting tool regarding likelihood of success after law school.¹⁹ Competition only further continues after law school, particularly in the adversarial environment such as litigation and appeals; being prepared to compete is therefore engrained in legal education.²⁰ Therefore, the implicit and sometimes explicit ranking that legal education involves – especially in the first year - can lead some law students to feel they may not belong in law school. Being aware of this feeling should not suggest that these students made the wrong vocational choice. It simply means that some students with the potential to be successful lawyers may feel like imposters if the transition from undergraduate education is – as it will often be – especially difficult.²¹

Participant Dwayne Allen Thomas reported that having law school administrators describe the success of individual entering students at orientation can contribute to feelings of isolation and dissociation, rather than providing the inspiration that administrators intended to provide..²²

18. See Dwayne Allen Thomas, Address at the Suffolk University Law School: Integration of Positive Psychology into Legal Education (June 15, 2018) (on file with author) [hereinafter Thomas, Suffolk Address]; Dwayne Allen Thomas, When You Feel Like You Don't Belong (2018) (unpublished manuscript), <https://perma.cc/74KA-GZK9>.

19. See Renwei Chung, *What You'll Wish You Had Known about Law School – Grades* (Dec. 22, 2015), <https://abaforlawstudents.com/2015/12/22/what-youll-wish-you-had-known-about-law-school-grades/>.

20. At the same time, collaboration can often produce positive outcomes, as law professors who teach negotiation, like participant Clark Freshman, help their students understand. See Clark Freshman, Address at the Suffolk University Law School: Integration of Positive Psychology into Legal Education Conference (June 16, 2017) (on file with author).

21. See Thomas, Suffolk Address, *supra* note 18.

22. *Id.*

Participant Jerome Organ pointed out that success is often too narrowly defined – leading to a performance orientation rather than a mastery orientation toward legal studies.²³ Extrinsic motivators like grades and class ranks place the emphasis on law student performance, which does not necessarily translate into mastery of the subject at hand - something much harder to quantify. Participant Jennifer Leonard recalled the trauma of having gotten a C in a law school course and having her sense of dismay reinforced, rather than diminished, by a well-meaning call from an Associate Dean asking if she was okay and that she could seek counseling, implying to her that her grade was a matter of grave concern.²⁴

C. The Benefit and Burden of Diligence and a Focus on Achievement

Abraham Lincoln once said, “The leading rule for the lawyer, as for the man of every calling, is diligence.”²⁵ One of the general characteristics of lawyers is that they work hard and often long hours. Law school helps set the stage for this by emphasizing the bar examination and the need for disciplined study. This is a good thing because as legal educators we want law students to succeed. This culture often carries over into law practice, especially where the emphasis is upon accumulating billable hours. The burden of both diligence and a focus on achievement is that if carried too far, they can lead to a life out of balance, which is bad not only for individual well-being but also for successful work, as discussed in more detail below. (Participant Julie Sandine reported that many students feel too stressed for stress management classes and too pressed for time for time management classes.²⁶) Participant Daniel Bowling pointed out that of the five aspects of a flourishing life – positive emotions, engagement, relationships, meaning and achievement – (or PERMA) suggested by Dr. Martin Seligman, the first four are not as much the focus in law school as is the last.²⁷

23. See Jerome M. Organ, Address at the Suffolk University Law School: Integration of Positive Psychology into Legal Education Conference (June 16, 2017) (on file with author); Jerome Organ, Teaching Note (2017) (unpublished manuscript), <https://perma.cc/TM3N-7DPZ>.

24. See Jennifer Leonard, Address at the Suffolk University Law School: Integration of Positive Psychology into Legal Education Conference (June 14, 2018) (on file with author) [hereinafter Leonard, Suffolk Address]; Jennifer Leonard, Four Positive Psychology Interventions to Support First Year Law Students (2018) (unpublished manuscript) <https://perma.cc/747R-XBCZ>.

25. Abraham Lincoln, *Notes for a Law Lecture* (1850), <http://www.abrahamlincolnonline.org/lincoln/speeches/lawlect.htm> (last visited Nov. 1, 2018).

26. See Julie Sandine, Address at the Suffolk University Law School: Integration of Positive Psychology into Legal Education Conference (June 16, 2017) (on file with author).

27. See Bowling, Suffolk Address, *supra* note 10; see also MARTIN E. P. SELIGMAN, *FLOURISH – A VISIONARY NEW UNDERSTANDING OF HAPPINESS AND WELL-BEING* 24 (2011) (summarizing PERMA). Dr. Seligman is generally regarded as the psychologist who helped pull

D. *The Benefit and Burden of Independence*

One of the prized aspects of being a lawyer, according to participant Larry Richard, who has worked with lawyers and law firms over many years, is the desire for autonomy.²⁸ He also reports that the lawyers he has tested often score low in sociability - the psychological need to build connection with people.²⁹ Isolation can be a problem, as studies show social connections improve longevity, health, and life and work satisfaction.³⁰ Participant Daniel Bowling reported that a common theme of many student reflections in his law school course in well-being is loneliness.³¹ Law can be a relatively lonesome profession. This is not often aided in law school where grades are rarely given for group activity.³² Extracurricular activities so common in college may be available - like clubs and informal sports teams - but often occur at times that do not work well for students, especially if they commute to class. Contributing to loneliness is the simple fact that law students work hard and find it sometimes difficult to find time for anything else.

E. *The Benefit and Burden of Professional Values*

Students come to law school with their own values, but in law school learn new values that are important for the successful administration of justice in an adversary system. These are often defined by what the client wants, often amplified by the sense that they have an obligation for zealous advocacy. It takes time and experience for law students to realize that part of what their clients also need is independent counsel, as the Model Code of Professional Conduct makes clear.³³ Professor Elizabeth Mertz has written about how the language of law school can unmoor students from their values. As noted above, the competition in law school can also lead them to redefine themselves not by their intrinsic values but extrinsic ones such as grades and compensation.³⁴ Beyond that, some of the deep work of legal education is to

together the various strands of work in this field to give positive psychology public prominence as a legitimate and important area of study.

28. See Richard, Suffolk Address, *supra* note 15.

29. See *id.*

30. See *id.*; see also *infra* note 109 and accompanying text.

31. See Bowling, Suffolk Address, *supra* note 10.

32. I have encountered many students who report preferring to work alone rather than in a study group as they feel they get more out of their time.

33. See MODEL RULES OF PROF'L CONDUCT r. 2.1 (AM. BAR ASS'N, 2016) (stating that "a lawyer should exercise independent professional judgment . . .").

34. See generally ELIZABETH MERTZ, THE LANGUAGE OF LAW SCHOOL: LEARNING TO "THINK LIKE A LAWYER" (2007). Participant Elizabeth Johnston also pointed out that having

understand that many decisions do not involve simple choices of right versus wrong, but choices between two competing values – in effect, right versus right. An example is when what is just for an individual must be balanced with what is just for a larger group, a tension between equal treatment of a group of similarly situated people and fairness to the needs and interests of one individual who may not share the group interest – sometimes referred as the distinction between law and equity.

The five aspects of legal education described above: critical analysis, competition, diligence and achievement, independence, and professional values, make it important to respond to law students in ways that do not ignore their important benefits, but also provide them some ways to respond to their burdens in productive and helpful ways. In thinking how to organize this information in a most useful way, a few guidelines are important to set out up front. First, the insights here represented involve activities that individual students can primarily do on their own, or with some limited faculty guidance. Second, many of the ideas presented are not instant remedies but call for a sustained course of action, not simply a “one and done.”³⁵

V. POSITIVE RESPONSES TO TOO MUCH OF A GOOD THING IN LAW SCHOOL

In light of the benefits and accompanying drawbacks unique to being a lawyer (and, therefore, a law student), the Conferences focused on examining solutions to respond those issues and promote well-being and student success. This next section focuses on a variety of specific, action-based solutions.

A. *Positive Responses to Overuse of Critical Analysis*

1. Remember What is Going Right

Rather than discard critical thinking skills, participant Larry Richard argues we should offset their overuse with appropriate positivity, including remembering what is going right, such as recalling good things that happen at day’s end.³⁶ Looking back at the day and identifying the “good” can offset

actions not aligned with values or beliefs – incongruence - leads to cognitive dissonance and unhappiness.

35. See *infra* text accompanying note 73.

36. See Richard, Suffolk Address, *supra* note 5. Dr. Richard recommends the “three good things” practice. See Larry Richard, *Three Good Things*, GREATER GOOD IN ACTION, Three Good Things (2018), <https://ggia.berkeley.edu/practice/three-good-things> (last visited Oct. 3, 2018). See

the consequences of spending the day, as the profession often requires, looking for the problems. As another way of doing so, Drexel Associate Dean Susan Brooks offered the SOAR self-assessment tool to students at the beginning and end of her course in *Introduction to Relational Lawyering*, which allows them to focus on their Strengths, Opportunities, Aspirations, and Results.³⁷ SOAR is based on Appreciative Inquiry – focusing on identifying what is going well and doing more of it, rather than on what is going wrong, and how to remedy it.³⁸

Participant Ruth Pearce advised law students on understanding one's own strengths as an important antidote to feeling incompetent.³⁹ Building on the work on character strengths by Christopher Peterson and Martin Seligman, she helped the Conference participants understand their character strengths (judgment being one of the highest) but also how to use one of their "signature strengths" more consciously during a day's work.⁴⁰ She also spoke about how a strengths focus can help with the practice of law itself.⁴¹

2. Put Your Explanatory Style on Trial

The overuse of critical analysis can often manifest in remorse over perceived past error or anxiety about future risk – a focus on what went wrong or could go wrong. Participant Clark Freshman pointed out that students who exhibited a failure frame of reference – viewing themselves as unworthy – did worse than predicted by their LSAT and GPA scores as well as exhibited more negative emotions such as depression and anxiety.⁴² A positive response is to help law students learn to turn that same skill to their own advantage, rather than to their detriment.

generally Martin E.P. Seligman et al., *Positive Psychology Progress: Empirical Validation of Interventions*, 60 AM. PSYCH. 410 (2005).

37. See Susan L. Brooks, Address at the Suffolk University Law School: Integration of Positive Psychology into Legal Education Conference (June 15, 2018) (on file with author) [hereinafter Brooks, Suffolk Address]; Susan L. Brooks, SOAR Self-Assessment and Professional Planning Tool (2018) (unpublished manuscript), <https://perma.cc/68HN-SUH8>.

38. See Brooks, Suffolk Address, *supra* note 37.

39. See Ruth Pearce, Address at the Suffolk University Law School: Integration of Positive Psychology into Legal Education Conference (June 15, 2017) (on file with author) [hereinafter Pearce, Suffolk Address]; Ruth Pearce, Teaching Note on Character Strengths (2017) (unpublished manuscript), <https://perma.cc/G5UD-K2MD> (noting there is a strong correlation between overuse and underuse of character strengths and anxiety and depression – so that positive psychology interventions to bolster these strengths or to mitigate them, as need be, may be beneficial).

40. See Pearce, Suffolk Address, *supra* note 33.

41. See Ruth Pearce, Address at the Suffolk University Law School: Integration of Positive Psychology into Legal Education Conference (June 16, 2018) (on file with author).

42. See Freshman, *supra* note 20; Clark Freshman et al., *Mindful Judging 1.5: The Science of Attention, "Lie Detection," and Bias Reduction - With Kindness*, 2016 J. Disp. Resol. 281 (2016).

Participants Mina Simhai,⁴³ Larry Richard,⁴⁴ and Jennifer Leonard⁴⁵ offer advice about how to do it, as Ms. Simhai said – cross-examine your beliefs,⁴⁶ or as Ms. Leonard advised, to “put your style on trial.”⁴⁷ The responses involve teaching law students how to use their same capacity for critical analysis through the exercise of pausing to think about what they are thinking and whether it makes sense. This can involve learning how to dispute error in their own thinking, just as a judge might issue a dissent, or an attorney would cross-examine an expert witness to see if the expert’s testimony can stand up to scrutiny.

This is a difficult challenge for most of us because we tend to react quickly, but if we can catch the initial thought and look at it more objectively, we can sometimes prevent it from leading us into a well of despair from which there seems to be no escape. Ms. Simhai reminded the Participants of psychologist Viktor Frankl’s admonition: “Between stimulus and response there is a space. In that space is our power to choose our response. In our response lies our growth and our freedom.”⁴⁸ Additionally, participant Elizabeth Johnston argued that professors should teach these new critical thinking skills without convincing students that they did not know how to think to begin with.⁴⁹

3. Think Intentionally About a Perfect Day at the Outset

Participant Nathalie Martin uses an exercise where she asks her students to write what a perfect day would be like for them and what activities and events would make it so. She then asks them to translate this vision into the day ahead to see how much of it they can retain as they plan it out. This exercise not only framed the coming day in a positive way, it also allowed Professor Martin to talk with students about making intentional choices – rather than have those choices made for us by events.⁵⁰

43. See Mina Simhai, Address as the Suffolk University Law School: Integration of Positive Psychology into Legal Education Conference (June 16, 2017) (on file with author) [hereinafter Simhai, Suffolk Address]; Mina Simhai, Teaching Law Students to Think Like Happy Lawyers: Cross-Examine Your Thoughts and Cultivate a Growth Mindset (2017) (unpublished manuscript), <https://perma.cc/MX9F-LP59>.

44. See Richard, Suffolk Address, *supra* note 15.

45. See Leonard, Suffolk Address, *supra* note 24.

46. See Simhai, Suffolk Address, *supra* note 43.

47. See Leonard, Suffolk Address, *supra* note 24.

48. See Simhai, Suffolk Address, *supra* note 37.

49. See Elizabeth Johnston, Address at the Suffolk University Law School: Integration of Positive Psychology into Legal Education Conference (June 16, 2017) (on file with author).

50. See Nathalie Martin, Address as the Suffolk University Law School: Integration of Positive Psychology into Legal Education Conference (June 16, 2017) (on file with author) [hereinafter

B. Positive Responses to Competition (and Perceived Failure)

By definition only half of any law school class can be above average, but most will graduate and most of those graduates pass the bar examination in the jurisdiction of their choice on the first attempt.⁵¹ Thus, while we want our students to study more successfully, it can also be important to acknowledge that how the grading system may sort them is not necessarily indicative of who they are and what their strengths may be. Here are some positive responses, particularly for students having trouble with their performance early in their legal education.

1. Learn to be Compassionate with Oneself

When a student encounters poor performance on an examination compared with their peers – they can be discouraged and self-critical. While it is important to learn from this experience, it is also important to put it in perspective. Participant Todd Peterson recommends to his students that they be compassionate with themselves and keep in mind that a less than outstanding grade on an examination is not the end of their legal careers but can, and should, be a learning opportunity as they grow their skills and abilities over time, just as they would if they were learning a new skill in a sport like tennis or golf.⁵² As a civil procedure teacher, he has found that this practice can be particularly helpful to students after they receive their first mid-term grades, a time when many of them find they did not perform as well as they would have liked. What he does is to ask his students to imagine what someone who cares about them might advise when a setback is encountered, put those thoughts in writing in the form of a letter to themselves, read it, and then return later to reflect on it.⁵³ This practice is particularly helpful to students who feel their sense of self-worth is linked to external validations, such as grades, leaving them vulnerable to setbacks.⁵⁴ Note that this is not a practice that ignores difficulty, but instead of disputing the concern, acknowledges it while simultaneously working to look beyond

Martin, Suffolk Address]; Nathalie Martin, Self-Care through Planning the Perfect Day Exercise (2017) (unpublished manuscript), <https://perma.cc/T8NM-L2YL>.

51. See 2017 Statistics, THE BAR EXAMINER (Spring 2018), <https://thebarexaminer.org/statistics/2017-statistics/>.

52. See Todd Peterson, Address at the Suffolk University Law School: Integration of Positive Psychology into Legal Education Conference (June 15, 2018) (on file with author) [hereinafter Peterson, Suffolk Address]; Todd Peterson, Using a Self-Compassion Letter for 1L Students (2018) (unpublished manuscript), <https://perma.cc/37DF-RRHM> [hereinafter Peterson, Self-Compassion].

53. See Peterson, Self-Compassion, *supra* note 52.

54. *Id.*

it to the sense of self-worth involved.⁵⁵ Professor Peterson emphasized that this practice is not the same thing as falsely inflated self-esteem, but instead a recognition that setbacks will occur and a way to respond to them.⁵⁶

2. Use the Body as a Source of Information to Aid the Mind

Participant William Blatt pointed out the importance of using physical feelings as sources of information to aid the mind.⁵⁷ For example, assume a law student fears oral argument. The emotion of fear evokes physical bodily sensations (butterflies in stomach, sweating palms), a corresponding focus on an object (the student), and the meaning attached to that object (the story in which the student feels judged as a failure). Professor Blatt pointed out that each of these elements provide potential points for intervention; move the body, shift the focus, or change the meaning attached to the situation.⁵⁸ Professor Blatt also offered two specific ways to use the body to alter emotions. One is simple diaphragmatic breathing, which can reduce stress.⁵⁹ Another is simply laughing to prime the emotional pump – he tried it with participants and we found ourselves laughing despite ourselves.⁶⁰

3. Keep in Mind the Work in the Context of One's Long-Term Vocation

Participant Jerome Organ noted that students can redefine success as faithfulness to vocation – learning one's calling in law school – through a self-reflective process termed *vocational discernment* which involves helping those who can benefit from their legal skills, strengths, and values.⁶¹

55. Here is Professor Peterson's instruction for faculty to give to students: (1) identify a failure or shortcoming and how it makes you feel, such as a bad test grade, or when you were called on in class and did not respond well; (2) Reimagine yourself as friend who is kind, caring, & compassionate, and ask what they would say to you about the particularly negative event (take the other's perspective); (3) Write yourself a letter from the perspective of the other person; (4) Read it; and (5) Put it aside and later return to it and reflect on the experience. Peterson, *Self-Compassion*, *supra* note 52, at 2 (quoting KRISTEN NEFF, SELF-COMPASSION 16-17 (2011)).

56. See Peterson, Suffolk Address, *supra* note 52.

57. See William Blatt, Address at the Suffolk University Law School: Integration of Positive Psychology into Legal Education Conference (June 16, 2017) (on file with author) [hereinafter Blatt, Suffolk Address]; William Blatt, Using Your Body to Manage Mood and Create Rapport (2017) (unpublished manuscript), <https://perma.cc/DJA6-6CM8>.

58. See William S. Blatt, *Teaching Emotional Intelligence to Law Students: Three Keys to Mastery*, 15 NEV. L.J. 464, 465-66 (2015).

59. See *id.* at 470.

60. See *id.* at 471.

61. See Jerome Organ, Address at the Suffolk University Law School: Integration of Positive Psychology into Legal Education Conference (June 15, 2018) (on file with author); Jerome Organ,

That reframing of the notion of success involves seeking to achieve one's own goals – a mastery orientation - rather than measuring one's success against what law school peers are doing – a performance orientation. He says that an emphasis on what are the students' unique gifts and their potential vocations enables students to feel that they are not necessarily in competition with their fellow classmates.⁶² He also asks students to take responsibility for their professional development and self-directed learning early in their legal education, even creating a roadmap toward a preferred professional future early in law school.⁶³ Participant Ruth Pearce helped make the point about varying student success with a parable about animals with different abilities – speed, strength, stamina - but all subjected to the same curriculum and grading, or even worse, taught that they should try to imitate another species with different abilities than their own.⁶⁴

4. Build Capacity for Mindfulness and Focused Attention

To succeed as a lawyer, it is important to be able to pay focused attention on the matter at hand. Participant Todd Peterson found it helpful to his civil procedure students to give them a chance to spend three minutes at the outset of a class in a brief mindful contemplation.⁶⁵ Professor Peterson feels that mindfulness should be taught at the beginning of a student's exposure to law school, with the science behind it explained, and exercises guided by the professor, undertaken consistently, and with a reminder of how the exercise connects to analytic skills that they are trying to learn.⁶⁶ Professor Peterson reported that he meditates twice a day, and that he feels it has enhanced what he has been able to accomplish.⁶⁷

Participant Donn Kessler teaches a course in mindfulness (which is also the subject of many articles in this symposium issue).⁶⁸ I also have found it

Defining Success for Yourself in Relation to Your Vocation and Strengths (2018) (unpublished manuscript), <https://perma.cc/6FMJ-NBAR> [hereinafter Organ, Defining Success].

62. See Organ, Defining Success, *supra* note 61.

63. *Id.*

64. See Pearce, Suffolk Address, *supra* note 39.

65. See Todd Peterson, Address at the Suffolk University Law School: Integration of Positive Psychology into Legal Education Conference (June 16, 2017) (on file with author) [hereinafter Peterson, Suffolk Address]; Todd Peterson, Using a Mindfulness Exercise in the 1L Classroom (2017) (unpublished manuscript), <https://perma.cc/ZG45-4Y7L>.

66. See Peterson, Suffolk Address, *supra* note 65.

67. See *id.*

68. See Hon. Donn Kessler, Address at the Suffolk University Law School: Integration of Positive Psychology into Legal Education Conference (June 16, 2017) (on file with author) [hereinafter Kessler, Suffolk Address]; Donn Kessler, Opening Law Students to Mindfulness Practice, for Suffolk Conference on Integrating Positive Psychology into Legal Education (2017) (unpublished manuscript), <https://perma.cc/83FR-GHV4>.

helpful for students to learn how to pay attention more effectively through regular concentration practice based on instruction received from Harvard Medical School psychologist Daniel Brown, PhD.⁶⁹ Participant John Churchill, who has studied extensively with Dr. Brown, gave participants an explanation and demonstration of that technique.⁷⁰ Participant Richard Reuben discussed a study undertaken at his law school of regular mindfulness practice for eight weeks. He reported that while many students welcomed the practice and found it beneficial compared to a control group in terms of stress management, they did not continue without a formal structure after the study concluded.⁷¹

5. Undertake a Specific Task for a Specific Short Time with a Reward at the End

Participant Marjorie Silver offered advice on the Pomodoro Technique. This is a process where a task that is being postponed to the point of procrastination can be undertaken by setting a timer for a short interval – like twenty-five minutes – of uninterrupted, intense work followed by a predetermined reward.⁷² The anticipation of the reward at the end is what makes the difference and counters procrastination.⁷³

6. Use Study Time for Preparation, Then Respond to the Performance Experience

Participant Sherri Fisher advises students in difficulty to (1) assign yourself the time and kind of work to do, (2) seek feedback on what you have

69. See Baker, *supra* note *; R. Lisle Baker & Daniel P. Brown, *On Engagement: Learning to Pay Attention*, 36 UALR L. REV. 337, 337 (2014).

70. See John Churchill, Address at the Suffolk University Law School: Integration of Positive Psychology into Legal Education Conference (June 15, 2018) (on file with author).

71. See Richard Reuben, Address at the Suffolk University Law School: Integration of Positive Psychology into Legal Education Conference (June 16, 2017) (on file with author); Richard Reuben, Teaching Note: Mindfulness: Does it work in law schools? The results of a recent study (2017) (unpublished manuscript), <https://perma.cc/JDQ7-L84K>. Also, participant Clark Freshman noted that graduate students who committed to two hours of meditation per day for two weeks did 16 percentile points better on the graduate school equivalent of the LSAT. See generally Michael D. Mrazek et al., *Mindfulness Training Improves Working Memory Capacity and GRE Performance While Reducing Mind Wandering*, 24 PSYCHOL. SCI. 776 (2013).

72. Marjorie Silver, *Overcoming Procrastination* (2018) (unpublished manuscript), <https://perma.cc/78EQ-CYLT>.

73. See Marjorie Silver, Address at the Suffolk University Law School: Integration of Positive Psychology into Legal Education Conference (June 15, 2018) (on file with author) [hereinafter Silver, Suffolk Address]; Silver, *supra* note 72.

done, and (3) make adjustments accordingly.⁷⁴ She said that while these three steps seem obvious, in her experience few students do all three. Therefore, advising students that they need to apply more effort is not enough. Ms. Fisher recommends providing students feedback in a way that they can then know how to make the necessary adjustments.⁷⁵

Participant Sarah Schendel offered a series of responses for students to undertake when the mid-term examinations come back during the first year of law school, including being specific about study tasks and being their own coach to evaluate their performance and study regimen, among other suggestions.⁷⁶ She partnered with a colleague at Suffolk teaching the basic first-year property course to help students use a technique called an “exam-wraper” to better assess their own performance and see what they could do better. She reported that student feedback was enhanced for the professor involved as she was perceived as being concerned about the students’ overall success and not only the work in her course.⁷⁷ Participant Elizabeth Johnston also recommended that students actively seek out faculty members with whom they can relate individually and are supportive of their success.⁷⁸ Participant Dwayne Allen Thomas recommends reminding students that many students come into law school with similar credentials, and just being aware of that by itself can help respond to the feeling as though they are imposters.⁷⁹

7. Build Performance Capacity Through Sleep and Exercise

Sleep⁸⁰ and exercise⁸¹ are both important for peak performance. While it turns out that there are a variety of strategies for better sleep, the most important is simply to recognize that getting enough is worthwhile, rather

74. See Sheri Fisher, Address at the Suffolk University Law School: Integration of Positive Psychology into Legal Education Conference (June 15, 2018) (on file with author).

75. See *id.*

76. See Sarah J. Schendel, Address at the Suffolk University Law School: Integration of Positive Psychology into Legal Education Conference (June 15, 2018) (on file with author); Sarah Schendel, I Got My Midterms Back . . . Now What? (2018) (unpublished manuscript), <https://perma.cc/S5HR-ADJL> [hereinafter Schendel, Midterms].

77. Schendel, Midterms, *supra* note 76.

78. Elizabeth Johnston, Address at the Suffolk University Law School: Integration of Positive Psychology into Legal Education Conference (June 15, 2018) (on file with author).

79. See *supra* note 18 and accompanying text.

80. Lisle Baker & Nellie Binder, Sleep better to do better: Some practical tips (2018) (unpublished manuscript), <https://perma.cc/F93R-7EZA>.

81. See Anthony Colesano, Address at the Suffolk University Law School: Integration of Positive Psychology into Legal Education Conference (June 16, 2018) (on file with author); Lisle Baker & Anthony Colesano, Fitness for Practice: Practice for Fitness without a Gym or Equipment (2018) (unpublished manuscript), <https://perma.cc/2FX8-D8WX> [hereinafter Baker et al., Fitness].

than get caught in the myth that burning the sleep candle at both ends is feasible.⁸²

For exercise, participant Anthony Colesano, a personal trainer, explained the importance of a balanced program of flexibility, strength, cardiovascular activity, and overall athleticism, and offered ways to achieve them without a gym or equipment in the limited time and space that law students often have available. He emphasized that busy law students and attorneys need to exercise smarter and not just longer, as exercise benefits the mind as well as the body.⁸³ He said that even simply adopting a more athletic posture – balanced, relaxed, and alert – not only gets organs and tissues performing optimally, but also improves thinking and enhances energy.⁸⁴

8. Offer Evidence of Success After Failure

Participant Sukanya Ray shares with students her own failures and the failures of other people who made great impacts on the world.⁸⁵ She reports her students appreciate the validation that their concerns are not unique and can be overcome.⁸⁶

Participant Rebecca Simon reported to students the story of a law student who dropped out but returned seven years later to succeed – and that this student was she herself. She found that sharing experience with difficulties gave hope to her own students that they too could succeed.⁸⁷ She has developed what she refers to as a “vulnerability exercise.” In it, students are encouraged to share a moment of personal failure, specify what personal strengths they called upon to respond to that failure, what they learned from the experience, and what doors may have opened as a result.⁸⁸ Participant Susan Brooks asks students to pair and share a story where they overcame a challenge and what personal qualities they drew upon to overcome it.⁸⁹ Participant Elizabeth Johnston spoke about the “pratfall effect” – where a

82. Baker, *supra* note 80.

83. *Id.*

84. See Baker et al., Fitness, *supra* note 81.

85. See Sukanya Ray, Address at the Suffolk University Law School: Integration of Positive Psychology into Legal Education Conference (June 16, 2018) (on file with author).

86. See *id.*

87. See *supra* note 12 and accompanying text.

88. See *supra* note 12 and accompanying text.

89. See Susan L. Brooks, Address at the Suffolk University Law School: Integration of Positive Psychology into Legal Education Conference (June 16, 2017) (on file with author); Susan Brooks, *Using a Communication Perspective to Teach Relational Lawyering*, 15 NEV. L.J. 477, 504-55 (2015).

competent individual's attractiveness increases after they make a mistake.⁹⁰ Participant Jarrett Green cautioned that it is important not to make their happiness another goal that students might feel they did not achieve – that happiness may be byproduct rather than an end in itself – as law school, like life, will have its ups and downs, and that it is important to allow ourselves time to process a setback rather than imagining that we must be positive all the time.⁹¹

9. Look for Intrinsic Motivation

Participant Christine Duvivier pointed out the importance of understanding that many students in their high school years are often categorized as underperforming when they have capabilities that are not being honored.⁹² Extending the analogy to law school, she recommended that legal educators look at their own motivations and how much they are energized or inspired in ways that do not depend on extrinsic rewards but the satisfaction of doing certain work for its own sake.⁹³ She encouraged them to do the same for their students – while understanding that certain tasks need to be done – others may enable the students to catch fire.⁹⁴ She recommended that students should be encouraged to identify innate abilities that are not reflected in their grades or the opinions of others, so they have a better chance at feeling their career can be aligned with their identity and therefore increase their chances of feeling that their work is authentic to them, energized by it, and ultimately fulfilling to do it.⁹⁵

10. Look for Ways to Favor Positive Coping Strategies Over Negative Ones

Participant Clark Freshman pointed out that many students have coping habits which can be examined and perhaps modified if the student is

90. See Johnston, *supra* note 49.

91. See Jarrett Green, Address at the Suffolk University Law School: Integration of Positive Psychology into Legal Education Conference (June 16, 2017) (on file with author); Jarrett Green, Teaching Note for Positive Psychology in Legal Education Conference (2017) (unpublished manuscript), <https://perma.cc/UB3K-FA6A>.

92. See Christine Duvivier, Address at the Suffolk University Law School: Integration of Positive Psychology into Legal Education Conference (June 15, 2018) (on file with author) [hereinafter Duvivier, Suffolk Address]; Christine Duvivier, Hidden Genius (2018) (unpublished manuscript), <https://perma.cc/3584-ES46>.

93. See Duvivier, Suffolk Address, *supra* note 92.

94. See *id.*

95. See *id.*

sufficiently self-aware.⁹⁶ Strategies that foretell (and may assure) failure are defensive pessimism – anticipating failure so therefore avoiding preparation- and simple disengagement – to name two.⁹⁷ Coping strategies associated with success include optimism, support from friends and colleagues, and reframing an event in terms of its positive learning opportunity.⁹⁸

C. *Positive Responses to Diligence and a Focus on Achievement*

1. Take Breaks

It is often hard to remember that diligence is not a synonym for effectiveness. Aphorisms like “work smarter, not harder” are easy to say but more difficult to turn into effective action. It is worth recalling the practice of Boston attorney and later Supreme Court Justice Louis Brandeis who took August off every year.⁹⁹ He said that he could do twelve months of work in eleven months but not in twelve.¹⁰⁰ Participant Jordana Confino recalled her own law school experience with being worn out and now counsels her students to take breaks, and to block time specifically on their calendars to socialize and recharge.¹⁰¹ Also, Participant Marjorie Silver pointed out that taking a break allows the brain to make connections that improve the outcome.¹⁰² Participant Nathalie Martin believes her students would benefit from treating law school as a 40-hour per week job, which leaves plenty of room for other activities.¹⁰³

2. Adopt Restorative Practices That Work for the Individual

One of the activities we undertook as part of the two Conferences was a Saturday morning Reciprocity Ring exercise, a useful way to take advantage

96. *See generally* Clark Freshman, *Efficient Emotion* (June 2017) (unpublished manuscript), <https://perma.cc/YZ7N-NKNF>.

97. *See id.*

98. Freshman, *supra* note 20. Participant Laurie Lyte, before delving into substantive legal topics with students in her bar prep course, first has them come up with a schedule for recreation, meditation and exercise – essentially implementing positive psychology concepts to help them navigate through grueling months of studying for the examination while promoting balance. She also said she wants students to carry those skills over into practice. *See infra* note 112.

99. ALBERT MASON, *BRANDEIS: A FREE MAN’S LIFE* 78 (1946).

100. *Id.*

101. *See* Jordana Alter Confino, *Address at the Suffolk University Law School: Integration of Positive Psychology into Legal Education Conference* (June 15, 2018) (on file with author); Jordana Alter Confino, *Learning to Shine without Burning Out: Why Balance is Key to Law School Success* (2018) (unpublished manuscript), <https://perma.cc/7JMZ-FNGT>.

102. *See* Silver, *Suffolk Address*, *supra* note 73.

103. *See* Martin, *Suffolk Address*, *supra* note 50.

of expertise within a group.¹⁰⁴ As a prelude however, I asked the Conference participants to report on their favorite restorative practices – things they did to help keep their balance. I have also asked guests at my positive psychology class – successful attorneys themselves – to talk about what they did to provide balance to their diligence. What is striking is that the Conference participants reported a wide variety of restorative practices. One I like is simply going outside to look at some trees - based on an experiment in California where sixty seconds of observing tall trees produced more prosocial behavior than the same time in observing tall buildings.¹⁰⁵ Two of the best lawyers I know in Boston (recognized as such by their peers) regularly exercise – one by running with a friend, another by an early morning swim where he takes notes afterwards of all the good ideas that come to him between strokes.

D. Positive Responses to Independence

As indicated earlier, the burden of independence is loneliness, which can be difficult.¹⁰⁶ It can be important to help law students find ways to interact with each other. An eighty-year study of Harvard College graduates indicates that the most powerful index of a life well-lived, including successful aging, is the positive quality of our relationships with other people.¹⁰⁷

1. Help Students Learn About Their Classmates

My personal experience is that often students attend classes without knowing much, if at all, about their classmates, which is ironic in a profession where referrals from other lawyers can constitute an important part of getting work to do after graduation. In response, I ask them to begin each course by interviewing a classmate they do not know and introducing that classmate to

104. The Ring exercise is a way of using light networks of contacts, like the Conference participants, to help individual members of such networks solve problems. See ADAM GRANT, GIVE AND TAKE: WHY HELPING OTHERS DRIVES OUR SUCCESS 239 (2013).

105. See Paul K. Piff et al., *Awe, the Small Self, and Prosocial Behavior*, 108 J. PERSONALITY & SOC. PSYCHOL. 883, 893-95 (2015) (reviewing study with test subjects looking at tall trees or tall buildings); Alex Hutchinson, *How Trees Calm Us Down*, NEW YORKER (July 23, 2018), <https://www.newyorker.com/tech/elements/what-is-a-tree-worth> (referencing Mid Kardan et al., *Neighborhood Greenspace and Health in a Large Urban Center*, 5 SCI. REP, Article 11610 (July 9, 2015), <https://www.nature.com/articles/srep11610>).

106. See sources cited *supra* note 10.

107. See GEORGE VALIANT, TRIUMPHS OF EXPERIENCE: THE MEN OF HARVARD GRANT STUDY (2012); Liz Mineo, *Good Genes are Nice, but Joy is Better*, HARV. GAZETTE (Apr. 11, 2017), <https://news.harvard.edu/gazette/story/2017/04/over-nearly-80-years-harvard-study-has-been-showing-how-to-live-a-healthy-and-happy-life/>.

the class. Also in a similar effort to foster student interaction, Participant Donn Kessler reported that he found student discussion and engagement was fostered by breaking up a larger class into smaller groups for specific tasks.¹⁰⁸

2. Take Play Seriously

Participant Daniel Bowling advised law students to remember to build in some play time, as play has both emotional and cognitive advantages to the time spent in work.¹⁰⁹

3. Find the Common Humanity

Participant William Blatt asks his class to undertake the “Just Like Me” exercise where students stand and face one another while mentally reciting phrases that emphasize common humanity and affirm good will toward the other student.¹¹⁰

4. Consciously Build Positive Relationships

Participant Laurie Lyte orients new attorneys and law clerks at the Maryland Attorney General’s office.¹¹¹ She finds that many of them are not aware of the positive value of interpersonal relationships for their long-term success by fostering resiliency through social support, more creative thinking, and that law practice simply involves working with other attorneys.¹¹² Ms. Lyte therefore emphasizes that law students should spend time in developing “high quality connections” with their classmates as well as others.¹¹³ She also urges that members of the law faculty consider helping students understand the importance of relationships, including exercises which allow them to interact with each other in positive ways.¹¹⁴

108. Kessler, Suffolk Address, *supra* note 78.

109. *See* Bowling, Suffolk Address, *supra* note 10.

110. *See* Blatt, Suffolk Address, *supra* note 57.

111. *See* Laurie Lyte, Address at the Suffolk University Law School: Integration of Positive Psychology into Legal Education Conference (June 15, 2018) (on file with author) [hereinafter Lyte, Suffolk Address]; Laurie Lyte, Raise the Quality of your Interpersonal Connections (2018) (unpublished manuscript), <https://perma.cc/8SPT-VZL7>.

112. *See* Lyte, Suffolk Address, *supra* note 111.

113. *See id.*

114. *See id.*

5. Recognize That Our Strengths Affect Our Perspective on Other People

Attorney Ruth Pearce pointed out that if we have a strong reaction to someone else's conduct, it may be because we expect a certain behavior and the absence of it pushes our own "strength button."¹¹⁵ For example, if one of your strengths is gratitude, the lack of it in someone else may provoke a judgmental reaction.

6. Provide Explanations and Choices When Possible

Participant Julie Sandine reported having provided choices for her students whenever possible, supplying an explanation for decisions her students had no control over, and making sure they knew she cared about their perspectives and wanted their input in decision making.¹¹⁶

E. Positive Responses to Professional Values

1. Consciously Link Values to Tasks to Be Done

Professor William Blatt advises that students work in accordance with their values by creating a chart of things to do that also include the important values that are served by the chosen task.¹¹⁷ This is a process he refers to as "annotating your to-do-list."¹¹⁸ Linking the task to the value served shifts the emotion from stress to excitement.¹¹⁹

2. Reaffirm the Student's Value and Be Human Ourselves

Simply being there for a student can make a difference. Participant Sukanya Ray described a student who was severely discouraged but who responded very positively to a greeting by her instructor in an office visit that he was so glad to see her; that modest validation made all the difference for that student.¹²⁰ Related to that affirmation is an awareness by students of the

115. See Pearce, Suffolk Address, *supra* note 39.

116. See Sandine, *supra* note 26; Julie Sandine, Incorporation of the VIA Survey of Character Strengths and Other Positive Psychology Elements into Vanderbilt's Professionalism in Practice Non-Credit Offering (2017) (unpublished manuscript), <https://perma.cc/C8DR-ER93>.

117. See William Blatt, Address at the Suffolk University Law School: Integration of Positive Psychology into Legal Education Conference (June 15, 2018) (on file with author) [hereinafter Blatt, Suffolk Address].

118. See *id.*

119. See *id.*; William Blatt, Living from Values (2018) (unpublished manuscript), <https://perma.cc/Q8UP-Y3TG>.

120. See Sukanya Ray, Address at the Suffolk University Law School: Integration of Positive Psychology into Legal Education Conference (June 17, 2017) (on file with author). Dr. Ray stresses

faculty's own vulnerability. Dr. Ray reported how she found - based on student feedback and self-reporting - that hearing their professor describe her own struggles and setbacks enhanced their engagement.¹²¹

3. Invite Students to Prepare Their Own Code of Ethics

Participant Donn Kessler reported that in his course he invites students to draft their personal code of ethics.¹²²

VI. POSITIVE PSYCHOLOGY LEARNING FOR LEGAL EDUCATORS AS WELL AS STUDENTS

The foregoing ideas and practices represent positive initiatives to aid law student success. The interesting follow up question, however, is how might they offer value to us as legal educators? What we do is just as important as what we say to our students. It is one thing to argue for balancing our work with breaks and play, or interact more actively with colleagues and friends, but if we do not do them ourselves, how can we credibly recommend these practices to our students? The reports of varied individual restorative practices by Conference participants are instructive because many participants are practicing what they preach. The question suggests, what about our colleagues? Being a law professor avoids some of the challenges of law practice and we get a captive audience without concern that they will reach a verdict for an opponent. Also, many of us arrive in this role because we valued our law school experience. In other words, legal education worked fine for most of us, so why change what we do or how we do it? Besides, we have classes to prepare, exams or papers to read, feedback and grades to give, committees to serve upon and articles like this to write.

I have no revealed wisdom here except to suggest that even the most able of us can benefit from many of the practices the Conferences explored. Perhaps those of us who have been exposed to positive psychology can schedule some simple "fare-well" brown-bag lunches to highlight a specific practice that speaks to busy faculty members as well as busy students. In the meantime, it may also be helpful for colleagues to encounter some of the literature of positive psychology more directly, and a set of resources is available through the Appendix. Also, one of the Suffolk Law School Reference Librarians, Liza Rosenof, spoke about how to do research using some new technology that makes it far easier to assemble a bibliography and

that her research has found that such positive mentoring promotes curiosity, balance and enhances our lives.

121. Ray, *supra* note 85.

122. Kessler, Suffolk Address, *supra* note 68.

inventory the key aspects of peer-reviewed positive psychology articles.¹²³ Some of that learning can help with legal scholarship as well.

Most law professors are curious by nature, and love learning. I hope there is enough information in this article from the Conferences to arouse their curiosity and whet their appetites for more learning for themselves. In the meantime, I also hope the insights from the Conferences will help our students succeed.

VII. CONCLUSION

The aim of the Conferences is to begin to build a set of practices legal educators may draw upon to help their students – and themselves - succeed. Note that there is a dimension of positive psychology the Conferences did not examine, and that is the issue of what higher purpose that legal educators can help their students discern, or develop toward, in order to apply their new skills. As Suzanne and James Pawelski have written, “positive psychology is more than just the science of well-being. It is about the cultivation of human flourishing through the development of good character.”¹²⁴ This is an opportunity to explore in the future.

Looking back over the Conferences, however, it is striking how much one underlying premise of positive psychology – that “other people matter” –is central, whether it is students interacting with others in positive ways or it is faculty members demonstrating how they care for and about their students by sharing some of their own struggles and how they might have responded to them better themselves. So many of the other interventions also involve balance – avoiding extremes.

Legal education has a model of instruction which is being modified slowly to include more aspects of what it means to be a successful practitioner, not just learning the law and how to apply it. The basic program of legal education is important for all the reasons elaborated earlier. But it is also important that law students – and those of us who teach them - learn about how well-being can be an important contributing factor to a successful law school experience for those on both sides of the lectern. Here, the insights of positive psychology can help, and I hope readers of this article will take up as their own challenge how to integrate them into the legal education.

123. See Liza Rosenof, Address at the Suffolk University Law School: Integration of Positive Psychology into Legal Education Conference (June 15, 2018) (on file with author); Liza Rosenof, Positive Psychology Interventions for Your Research Process: Google Scholar and Zotero (2018) (unpublished manuscript), <https://perma.cc/6NHZ-LWK9>.

124. See PAWELSKI, *supra* note 2, at 136.

APPENDIX TO ARTICLE ON INTEGRATING POSITIVE PSYCHOLOGY INTO
LEGAL EDUCATION

The following individuals made the Conferences, as well as this article, possible with their generous contribution of time and insights. They are listed below with their background, the date and Conference topic or writing they presented about, their contact information, and a link to their provided materials. (Note that for positive psychology credentials, CIPP refers to a Certificate in Positive Psychology, CAPP refers to a Certificate in Applied Positive Psychology, and MAPP to the Master of Applied Positive Psychology degree from the University of Pennsylvania.)

1. **R. Lisle Baker**, Professor of Law, Suffolk University Law School, Conference organizer, 2017, 2018; MAPP; lbaker@suffolk.edu;
2017-18 Topics: Integrating Positive Psychology into Legal Education.¹²⁵
2. **William Blatt**, Professor of Law, University of Miami School of Law; wblatt@law.miami.edu;
2017 Topic: Emotional Intelligence and Physiology;¹²⁶
2018 Topic: Living from Values;¹²⁷
3. **Daniel S. Bowling III**, Senior Lecturing Fellow, Duke Law School, MAPP; dabowling@gmail.com;

125. R. Lisle Baker, *Designing a Positive Psychology Course for Lawyers*, 51 SUFFOLK L. REV. 207 (2018), <http://perma.cc/AE4U-EUCM>. For additional resources see Lisle Baker & Liza Rosenof, *Some Resources for Positive Psychology and Legal Education* (2018) (unpublished manuscript), <https://perma.cc/GW8Z-H6RW>; Lisle Baker & Daniel P. Brown, *On Engagement: Learning to Pay Attention*, 36 UALR L. REV. 337 (2014), <http://perma.cc/HDA5-DQBA>; Baker, *Planning Your Career in Law Practice*, 50 SUFFOLK U. L. REV. 1 (2017), <https://perma.cc/4JP3-LPU4>; Lisle Baker and Nellie Binder, *Sleep Better To Do Better: Some Practical Tips* (2018) (unpublished manuscript), <https://perma.cc/F93R-7EZA>; Lisle Baker, *Positive Psychology for Lawyers – Positive Activity Log* (unpublished manuscript), <https://perma.cc/F24L-7SED>; Lisle Baker, *Positive Psychology for Lawyers – Strengths Resume* (unpublished manuscript), <https://perma.cc/KTF5-VMXS>.

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2017 Topic: The Challenges of Introducing Positive Psychology into the Law School Curriculum;¹²⁸

2018 Topic: Don't Forget to Enjoy the Journey;¹²⁹

4. **Anne Brafford**, Attorney and Ph.D. candidate; ABA Task Force Report on Lawyer Well-Being Editor in Chief, MAPP; ambrafford@gmail.com;

2018 Topic: Some Reflections for Legal Educators about the ABA Task Force Report on Lawyer Well-Being;¹³⁰

5. **Susan L. Brooks**, Assoc. Dean and Professor of Law, Drexel University Kline School of Law; susan.brooks@drexel.edu;

2017 Topic: Using a Communications Perspective to Teach Relational Lawyering;¹³¹

2018 Topic: SOAR – Self-Assessment and Planning;¹³²

6. **John Churchill**, PsyD, Adjunct Instructor, Suffolk University Law School; John_Churchill@WilliamJames.edu;

2018 topic: The Use of Contemplative Practice to Learn to Pay Better Attention;¹³³

7. **Anthony Colesano**, Master Trainer/Fitness Instructor, LATC, CSCS; acolesano@comcast.net;

2018 Topic: Fitness for Practice: Practice for Fitness – without a gym on equipment;¹³⁴

128. Daniel S. Bowling III, Teaching Positive Psychology in Law School (2017) (unpublished manuscript), <https://perma.cc/W8JK-YQJR>.

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8. **Jordana Alter Confino**, Director of Professionalism & Special Projects and Adjunct Professor of Law, Fordham University School of Law; CAPP; jordana.confino@gmail.com;

2018 Topic: Learning to Shine without Burning Out: Scheduling Breaks to Ensure Law Student Success;¹³⁵

9. **Christine Duvivier**, Positive Change Speaker/Author/Mentor; MBA, MAPP; cd@christineduvivier.com;

2017 Topic: Motivation for Peak Performance;¹³⁶

2018 Topic: Hidden Genius;¹³⁷

10. **Sherri Fisher**, Learning Specialist, Executive, Coach, Author, Speaker, MAPP, MEd; sherri@sherrifisher.com;

2017 Topic: Reframing the Effort Myth;

2018 Topic: How to Learn from your Success;¹³⁸

11. **Clark Freshman**, Professor, U. Cal. Hastings School of Law; clarkfreshman@mac.com;

2017 Topic: Emotional Efficiency: Empirical Studies of Emotion and Success at Negotiation, First Year Grades, and Mental Health;¹³⁹

135. Jordana Alter Confino, Learning to Shine without Burning Out: Why Balance is Key to Law School Success (2018) (unpublished manuscript), <https://perma.cc/7JMZ-FNGT>. For additional resources see Jordana Confino, *Burning the Candle at Both Ends Backfires*, L. PRAC. TODAY (Aug. 15, 2018), <https://perma.cc/5RGN-U9ZJ>; Jordana Alter Confino, *Reining in Perfectionism*, L. PRAC. TODAY (Jan. 14, 2019), <https://www.lawpracticetoday.org/article/reining-in-perfectionism/>; Jordana Alter Confino, *Where Are We on the Path to Law Student Well-Being?: Report on the ABA CoLAP Law Student Assistance Committee Law School Wellness Survey*, J. LEGAL EDUC. (forthcoming August 2019), https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3374976.

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12. **Jarret Green**, Adj. Professor, Southwestern Law School; jag@jarrett-green.com;

2017 Topic: Peak Performance in the Classroom and Courtroom: Linking Emotions and Mental Wellness to Success in a New Way;¹⁴⁰

13. **Elizabeth Johnston**, Attorney, Boston, MA, MAPP; edjohnst@gmail.com;

2017 Topic: Tools for Law School and for Practice;

2018 Topic: Why you should Pursue Happiness in Law School (and Life);¹⁴¹

14. **Hon. Donn Kessler**, Judge, Arizona Court of Appeals (Ret.); donnloopie@aol.com;

2017 Topic: How Teaching Contemplative Practices to Law Students Can Improve Self-Esteem, Creativity, and Compassion, as well as Humanize the Practice of Law;¹⁴²

15. **Jennifer Leonard**, Associate Dean for Professional Engagement, Director of the Center on Professionalism, University of Pennsylvania Law School; jenleo@law.upenn.edu;

2018 Topic: Four Positive Psychology Interventions to Support First Year Law Students;¹⁴³

16. **Laurie Lyte**, Office of the Attorney General for the State of Maryland, MAPP; laurie_lyte@msn.com;

140. Jarrett Green, Teaching Note for Positive Psychology in Legal Education Conference (2017) (unpublished manuscript), <https://perma.cc/UB3K-FA6A>.

141. Elizabeth Johnston, Why You Should Pursue Happiness in Law School (and Life) (2018) (unpublished manuscript), <https://perma.cc/NZ8X-GEFU>.

142. Hon. Donn Kessler, Opening Law Students to Mindfulness Practices, for Suffolk Conference on Integrating Positive Psychology into Legal Education (2017) (unpublished manuscript), <https://perma.cc/83FR-GHV4>.

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2017 Topic: Bar Preparation: Use of Positive Interventions Related to Bar Exam Study;¹⁴⁴

2018 Topic: Developing High Quality Connections: The Key to Success in Law School and Beyond;¹⁴⁵

17. **Nathalie Martin**, Professor, U. of New Mexico School of Law; martin@law.unm.edu;

2017 Topic: Self-Care through Planning the Perfect Day;¹⁴⁶

18. **Jerome M. Organ**, Professor, U. of St. Thomas School of Law; jmorgan@stthomas.edu;

2017 Topic: Roadmap Intervention: Connecting First-Year Law Students with their Story and their Strengths;¹⁴⁷

2018 Topic: Defining Success for Yourself in Relation to Your Vocation and Strengths;¹⁴⁸

19. **Ruth Pearce**, Coach, Durham, NC, CIPP; RuthPearce@projectmotivator.com;

2017 Topic: Character Strengths: Profile of Participants; Character Strengths as Providing Perspective on Problem Solving;¹⁴⁹

2018 Topic: Legal Practice and Engaging Clients through Character Strengths;¹⁵⁰

20. **Todd Peterson**, Professor, George Washington U. Law School; tpeter@law.gwu.edu;

144. Laurie Lyte, Activity for Skills Training, Positive Introduction (Individual) (2017) (unpublished manuscript), <https://perma.cc/9R7H-MYQX>.

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2017 Topic: Mindfulness as the Gateway to Student Acceptance of Positive Psychology Interventions;¹⁵¹

2018 Topic: Using a Self-Compassion Letter for 1L Students;¹⁵²

21. **Sukanya Ray**, Ph.D., Professor, Suffolk University Department of Psychology; sray@suffolk.edu;

2017 Topic: The Positive Power of Positivity and Positive Professors;¹⁵³

2018 Topic: Reflections on Teaching Positive Psychology – Student Responses;¹⁵⁴

22. **Richard Reuben**, Professor, U. of Missouri School of Law; reubenr@missouri.edu;

2017 Topic: Mindfulness: Does it Work in Law Schools? The Results of a Recent Study;¹⁵⁵

23. **Larry Richard**, J.D., Ph.D., CIPP, LawyerBrain LLC; drlarryrichard@lawyerbrain.com;

2018 Topic: How to Offset Negativity by Regulating your Personality;¹⁵⁶

151. Todd Peterson, Using a Mindfulness Exercise in the 1L Classroom (2017) (unpublished manuscript), <https://perma.cc/ZG45-4Y7L>.

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156. Larry Richard, How to Offset Negativity by Regulating Your Personality (2018) (unpublished manuscript), <https://perma.cc/6GWV-FBA4>.

24. **Liza Rosenof**, Research Librarian, Suffolk University Law School; lrosenof@suffolk.edu;

2017 Topic: Helping Law Students Conduct Research on Positive Psychology;

2018 Topic: Positive Psychology Resources and Doing Research in the Field, including how to Use New Technologies like Zotero that Can Help Catalog what you are Reading and Help you Cite when you are Writing;¹⁵⁷

25. **Julie Sandine**, former Assistant Dean, Vanderbilt Law School; jzanolli.sandine@gmail.com;

2017 Topic: Engagement and Identity: Use of Positive Psychology Elements to Increase Student Engagement, Fortify Personal Identity, and Enhancing the Process of Professional Identity Formation;¹⁵⁸

26. **Sarah J. Schendel**, Assistant Professor of Academic Support, Suffolk Law School; sschendel@suffolk.edu;

2018 Topic: I Got my Midterms Back . . . Now What?;¹⁵⁹

27. **Marjorie Silver**, Director of Externship Programs, Professor of Law, Touro Law Center; msilver@tourolaw.edu;

2018 Topic: Overcoming Procrastination;¹⁶⁰

28. **Mina Simhai**, Attorney, Adjunct Faculty at George Washington University, Washington D.C., CIPP; MAPP expected 2019; minasimhai@yahoo.com;

2017 Topic: How to Think Like a Happy Lawyer;¹⁶¹

157. Liza Rosenof, Positive Psychology Interventions for Your Research Process: Google Scholar and Zotero (2018) (unpublished manuscript), <https://perma.cc/6NHZ-LWK9>. For additional resources see *Quick Start Guide, ZOTERO* (June 19, 2018) <https://perma.cc/Y4E8-VVPL>; Liza Rosenof, Social Sciences Research Starting from One Good Article Using Google Scholar (2018) (unpublished manuscript), <https://perma.cc/YU3F-MX5Q>.

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161. Mina Simhai, Teaching Law Students to Think Like Happy Lawyers: Cross-Examine Your Thoughts and Cultivate a Growth Mindset (2017) (unpublished manuscript),

29. **Rebecca Simon**, Lecturer, USC Gould School of Law; rismon@law.usc.edu;

2017 Topic: Peak Performance in the Classroom and Courtroom: Linking Emotions and Mental Wellness to Success in a New Way;¹⁶²

30. **Lars Smith**, Former Acting Dean and Associate Dean, University of Louisville School of Law; lars.smith@louisville.edu;

2018 Topic: Advice to a New Associate (or what I Wish I had Known then); Some Decanal Reflections on Positive Psychology in Law School;¹⁶³

31. **Dwayne Allen Thomas**, Senior Court Attorney to Hon. Cenceria P. Edwards, NYC Civil Court, Kings County, MAPP; dwayne@equalresults.com;

2017 Topic: Bar Success: Findings on the Decrease in Bar Performance Since 2010;¹⁶⁴

2018 Topic: When you Feel Like you Don't Belong.¹⁶⁵

<https://perma.cc/MX9F-LP59>. For additional resources see Mina Simhai, Positive Psychology Syllabus (2017) (unpublished manuscript), <https://perma.cc/NW98-9Y7L>.

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163. Lars Smith, Reflections on Positive Psychology in Law School: A View from Administration PowerPoint Presentation (2018) (unpublished manuscript), <https://perma.cc/BAK3-DW84>. For additional resources see Lars Smith, Advice to a New Associate (2018) (unpublished manuscript), <https://perma.cc/9HR5-6ANL>.

164. Dwayne Allen. Thomas, Brooklyn Law Bar Pass Rate (2017) (unpublished manuscript), <https://perma.cc/K83Z-WX8W>.

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