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SUPER WOMEN LAWYERS:  
A STUDY OF CHARACTER STRENGTHS

Patricia Snyder<sup>1</sup>

*I care passionately about my clients, but you know, I'm not doing brain surgery here. No one is going to die. So, you need some perspective, and when I'm feeling really down, and depressed, and just feel like I don't wanna do this any more, I go do something. It sounds corny, but I go do something nice for somebody. I perform a random act of kindness; it makes me feel better.*

— Woman named to the Super Lawyers list

The field of law is often characterized as a profession in crisis; and law professors, economists, social science researchers, and psychologists alike have weighed in to describe reported troubles, measure them, and fashion remedies. Susan Daicoff, a professor at the Florida Coastal School of Law, has described a “tri-partite crisis” in the profession: lawyer dissatisfaction and mental health issues, a decline in professionalism, and a decline in public perception based upon a stereotypical “lawyer personality.”<sup>2</sup> Whether the distress is the result of inherent personality traits, law school training, practice conditions, or all of the above, is a subject of scholarly debate.

Research is also inconclusive on the extent of lawyer unhappiness, but studies suggest that while some are thriving, a significant number of lawyers are unhappy and women lawyers may have special reasons for negative feelings about the profession. In 1999, Patrick Schiltz, then a Notre Dame law professor, reviewed a number of studies and concluded that compared to other workers, lawyers were more apt to have poor health and experience, anxiety,

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<sup>1</sup> This study originated as a capstone project for the author's Master of Applied Positive Psychology (MAPP) degree at the University of Pennsylvania. She acknowledges the assistance of her MAPP faculty adviser, Daniel S. Bowling III, JD, and postdoctoral fellow Margaret L. Kern, PhD. Pat Snyder, JD, MAPP, a former practicing attorney, runs a strengths-based coaching practice for attorneys called I Can Fly, LLC.

<sup>2</sup> SUSAN S. DAICOFF, Lawyer, Know Thyself: A Psychological Analysis of Personality Strengths and Weaknesses (Am. Psychol. Ass'n 2004).

hostility and paranoia.<sup>3</sup> He also cited a higher divorce rate among lawyers and an increased likelihood of suicide.<sup>4</sup>

More recently, Nancy Levit and Douglas Linder, law professors at the University of Missouri-Kansas City, reviewing a wide range of other studies on lawyer well-being, including professor Kathleen Hull's critique of Schiltz's study, have concluded that while results are mixed, most lawyers fall "in the middle of the happiness continuum" but could be doing better.<sup>5</sup>

For purposes of this study, I adopted this approach. I believe a number of lawyers are dissatisfied, but there are also a number of exemplars who have found satisfaction and success in the law. To move lawyers farther along the continuum toward well being, it is worth examining both the causes of lawyer dissatisfaction and learning from these exemplars how they have found success and satisfaction.

### I. WHAT CAUSES LAWYER DISSATISFACTION?

Psychologists, law professors, and social scientists have offered a range of theories on what causes lawyer unhappiness. They note particular unhappiness in large firms and cite high stress, rigid billable hour requirements, work overload, incivility, and a focus on maximizing profits among reasons for lawyer distress.<sup>6</sup> Some theorize that a lawyer personality and the law school experience are to blame and speculate on the impact of gender on the lawyering life.<sup>7</sup> Here are some details from their theories and findings.

#### A. *The Lawyer Personality*

Daicoff concludes, based on research by social scientists and traditional psychologists, that there is a distinct "lawyer personality" contributing to the distress.<sup>8</sup> She believes it begins in childhood in the form of scholastic achievement, leadership, and low interest in emotions, and ultimately emerges – with a draconian assist from law school – as a full-fledged lawyer-type.<sup>9</sup> The type she

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<sup>3</sup> Peter H. Huang & Rick Swedloff, *Authentic Happiness & Meaning at Law Firms*, 58 SYRACUSE L. REV. 335, 336 (2008).

<sup>4</sup> *Id.*

<sup>5</sup> NANCY LEVIT & DOUGLAS O. LINDER, *THE HAPPY LAWYER: MAKING A GOOD LIFE IN THE LAW* (Oxford Univ. Press 2010); Kathleen E. Hull, *Cross-Examining the Myth of Lawyer's Misery*, 52 VAND. L. REV. 971 (1999).

<sup>6</sup> See, e.g., G.C. O'Grady, *Cognitive Optimism and Professional Pessimism in the Large-Firm Practice of Law: The Optimistic Associate*, 30 L. & PSYCHOL. REV. 23 (2006); Janet Taber et al., *Gender, Legal Education, and the Legal Profession: An Empirical Study of Stanford Law Students and Graduates*, 40 STAN. L. REV. 1209 (1988).

<sup>7</sup> See, e.g., Taber et al., *supra* note 5.

<sup>8</sup> See DAICOFF, *supra* note 1.

<sup>9</sup> *Id.*

describes is focused particularly on external rewards rather than altruism or intrinsic motivation, becomes aggressive under stress, would rather compete than provide social support to peers, is more interested in logic and justice than care for others, and carries into the practice the pessimistic thinking style that was rewarded in law school with higher grades.<sup>10</sup>

Daicoff's "lawyer personality" relies in part upon extensive research conducted by psychologist Larry Richard, a former trial lawyer, who administered the Meyers-Briggs Type Indicator to 3,014 practicing lawyers in 1992 and found that most lawyers (eighty-one percent of men and sixty-eight percent of women) tested as "thinkers" instead of "feelers."<sup>11</sup> Richard predicted that the feelers, though not in the majority, would be "swimming against the current" in a practice dominated by analytical thinking types.<sup>12</sup> His results might explain some degree of dissatisfaction among feelers.

However, Richard – in a later lawyer study using a different testing instrument called the Caliper Profile – acknowledges that feelers may have an advantage in the areas of mentoring, teamwork, practice group leadership, client retention, support staff relationships, and the all-important function of bringing in business, or "rainmaking."<sup>13</sup> When tested for "sociability," or comfort in initiating intimate connections with others, lawyers in the study had an average score of only twelve point eight percent, compared to fifty percent for the general public.<sup>14</sup> Rainmakers, however, scored three and a half times higher on the trait of sociability than so-called "service partners," who were otherwise excellent practitioners, but brought in less business.<sup>15</sup> Richard, who holds a PhD in psychology from Temple University, stated that those who scored lower in sociability were more comfortable dealing with matters of the mind than the heart.<sup>16</sup> Rainmakers, it seems, have heart, and the supposed ties between thinking, feeling, satisfaction, and success, like the overall degree of lawyer satisfaction, are unclear. I have explored their connection to some degree in this study.

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<sup>10</sup> *Id.* See also *infra* Table 3.2.

<sup>11</sup> Larry Richard, *How Your Personality Affects Your Practice: The Lawyer Types*, 79 A.B.A. J. 74, 76 (1993).

<sup>12</sup> *Id.*

<sup>13</sup> Larry Richard, *Herding Cats: The Lawyer Personality Revealed*, REP. TO LEGAL MGMT. (Altman Weil, Newton Square, PA), Aug. 2002.

<sup>14</sup> *Id.*

<sup>15</sup> *Id.*

<sup>16</sup> *Id.*

### B. Law School

A number of studies correlate attending law school with student psychological distress and increased drug and alcohol abuse.<sup>17</sup> Those who see law school as the culprit in creating distressed lawyers have impugned the Socratic method of teaching, a heavy workload, and classroom ratios that provide little student-faculty interaction.<sup>18</sup> They also note that law school prompts a shift away from more altruistic community service values to materialism and from more satisfaction-producing intrinsic motivation to extrinsic motivation.<sup>19</sup> Since self-regulation theory teaches that intrinsic motivation and autonomy create greater interest, enjoyment, and inherent satisfaction, it makes sense that an education atmosphere that discourages it in favor of external motivators such as grades and the prospect of eventual high earnings would deplete well-being.<sup>20</sup>

### C. Gender

Women lawyers leave the practice at a faster clip than their male counterparts, which might suggest that they are less satisfied with the practice, but studies that query their satisfaction level are inconclusive.<sup>21</sup> If they show up in a study as more satisfied, it could be because they tend to report more positively than men. Their satisfaction level is the subject of academic debate.<sup>22</sup>

No matter how they register on the satisfaction scale, it is clear that women lawyers face particular challenges in the practice. Levit and Linder conclude females leave the practice not so much from dissatisfaction with the substantive work, but from frustrations with professional development opportunities, the work environment, and particularly the challenge of juggling a law career with child rearing.<sup>23</sup> Their view seems to mesh with a 2000 Young Lawyers Division study conducted by the American Bar Association which showed that only one-fifth of the women lawyers surveyed reported that they were “very satisfied” with the balance between their personal and professional lives, and one-third said they doubted it was possible to successfully balance roles of wife,

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<sup>17</sup> See DAICOFF, *supra* note 1; Todd D. Peterson & Elizabeth W. Peterson, *Stemming the Tide of Law Student Depression: What Law Schools Need to Learn from the Science of Positive Psychology*, 9 YALE J. HEALTH POL’Y, L. & ETHICS 357 (2009).

<sup>18</sup> *Id.*

<sup>19</sup> See Peterson & Peterson, *supra* note 16.

<sup>20</sup> Kirk W. Brown & Richard M. Ryan, *Fostering Healthy Self-Regulation from With and Without: A Self-Determination Theory Perspective*, in POSITIVE PSYCHOLOGY IN PRACTICE 105 (Alex Linley & Stephen Joseph eds., 2004).

<sup>21</sup> See Hagan & Swedloff, *supra* note 2.

<sup>22</sup> WILLIAM DAMON, *THE PATH TO PURPOSE: HOW YOUNG PEOPLE FIND THEIR CALLING IN LIFE* (Free Press reprt. ed. 2009).

<sup>23</sup> See LEVIT & LINDER, *supra* note 4.

lawyer, and mother.<sup>24</sup> One Stanford Law School study, for example, suggested three ways in which women lawyers with children may be disadvantaged if they choose to continue practicing: (1) they may need to reduce their hours or choose employers with flexible working arrangements; (2) a reduction in hours may negatively affect their career prospects; and (3) they may experience severe psychological distress from attempting to do it all.<sup>25</sup>

In addition to work-life balance issues, women attorneys in large firms are seen as facing particular challenges of long hours, values conflicts, and hierarchy, bureaucracy and specialization. Further, child rearing may derail already long journeys on the partnership track.<sup>26</sup> A substantial part of this study addressed the ways in which successful women lawyers respond to these challenges.

#### D. Negative Thinking Style, Lack of Control, and Zero-Sum Games

According to positive psychologists Seligman, Verkuil, and Kang, lawyers – whether male or female – are dissatisfied for three main reasons, which can be addressed to some extent by applying positive psychology principles.<sup>27</sup> They are: (1) law attracts and legal analysis benefits from a pessimistic thinking style, which does not translate so well into the rest of their lives; (2) lawyers have high pressure but little latitude to make decisions; and (3) the practice at its adversarial best is a zero-sum game with a winner and loser.<sup>28</sup> For each of these factors, they recommended some modification in the way lawyers work.

To remedy an overly pessimistic thinking style, they suggest training lawyers in *flexible optimism* in their personal lives while maintaining *adaptive pessimism* in their legal work.<sup>29</sup> To address low decision-making latitude, they recommend that legal employers re-craft jobs to give associates more perceived control, and also assign them five to ten hours of work a week on the basis of personal character strengths, which would energize associates and make them more productive.<sup>30</sup> Finally, to overcome the zero-sum nature of the practice, they suggest extending opportunities for more cooperation within the adversary

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<sup>24</sup> Catherine G. O'Grady, *Cognitive Optimism and Professional Pessimism in the Large-Firm Practice of Law: The Optimistic Associate*, 30 LAW & PSYCHOL. REV. 23 (2006).

<sup>25</sup> Janet Taber et al., *Gender, Legal Education, and the Legal Profession: An Empirical Study of Stanford Law Students and Graduates*, 40 STAN. L. REV. 1209 (1988).

<sup>26</sup> Deborah Holmes, *Structural Causes of Dissatisfaction Among Large-Firm Attorneys: A Feminist Perspective*, 12 WOMEN'S RTS. L. REP. 9 (1991).

<sup>27</sup> Martin E.P. Seligman, Paul R. Verkuil & Terry H. Kang, *Why Lawyers Are Unhappy*, 23 CARDOZO L. REV. 34 (2001).

<sup>28</sup> *Id.*

<sup>29</sup> *Id.*

<sup>30</sup> *Id.*

system.<sup>31</sup> Whether this approach is likely in an increasingly competitive, post-boom legal marketplace is open to debate. Those who see a “comprehensive law movement,” where law is evolving toward a less adversarial state, would say that it is.<sup>32</sup>

## II. PRINCIPLES OF POSITIVE PSYCHOLOGY

The positive psychologists’ analysis of lawyer distress and suggestions for improving lawyer well-being are consistent with the philosophy of a field that seeks to achieve human flourishing by building on character strengths and virtues rather than focusing on dysfunction.<sup>33</sup> In other words, positive psychologists focus on what makes us flourish rather than what makes us mentally ill. One way they do that is to study exemplars, or individuals who are flourishing, to understand the roots of their well-being.<sup>34</sup> This study of women lawyer exemplars is consistent with that approach. To better understand the recommendations of positive psychologists with respect to lawyers, it makes sense to review the history of positive psychology and understand some of the basic principles upon which those recommendations are based.

### A. *The Role of Character Strengths*

To launch one of the earliest initiatives in the field of positive psychology, Peterson and Seligman, assisted by numerous practitioners and scholars, identified twenty-four character strengths, or positive traits, that reside within the six virtues of wisdom and knowledge, courage, humanity, justice, temperance and transcendence.<sup>35</sup> The undertaking sought to provide a counter-balance to the Diagnostic and Statistical Manual (“DSM”), a classification of psychological dysfunction used by traditional psychologists.<sup>36</sup> The most prevalent character strengths in human beings in descending order are kindness, fairness, honesty, gratitude, and judgment.<sup>37</sup>

To determine an individual’s predominant character strengths, Peterson and Seligman developed the Values in Action Inventory of Strengths (“VIA-

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<sup>31</sup> *Id.*

<sup>32</sup> Susan S. Daicoff, *The Future of the Legal Profession*, 37 MONASH U. L. REV. 7 (2011).

<sup>33</sup> Martine E.P. Seligman & Mihaly Csikszentmihalyi, *Positive Psychology: An Introduction*, 55 AM. PSYCHOL. 5 (2000).

<sup>34</sup> ANNE COLBY & WILLIAM DAMON, *SOME DO CARE: CONTEMPORARY LIVES OF MORAL COMMITMENT* (Simon & Schuster 1994).

<sup>35</sup> CHRISTOPHER PETERSON & MARTIN E.P. SELIGMAN, *CHARACTER STRENGTHS AND VIRTUES: A HANDBOOK AND CLASSIFICATION* (Oxford University Press 1st ed. 2004).

<sup>36</sup> *Id.* See also *infra* Table A-1, Appendix A (a complete listing of the character strengths and virtues).

<sup>37</sup> Nansook Park, Christopher Peterson & Martin E.P. Seligman, *Character Strengths in Fifty-Four Nations and the Fifty US States*, 1(3) J. POSITIVE PSYCHOL. 118 (2006).



IS”), a 240-item survey designed on a five-point Likert scale, which allows respondents to endorse ten statements for each of the twenty-four character strengths.<sup>38</sup> The test is administered online, and developers report adequate reliability and validity, as do others who have examined it.<sup>39</sup> Although there may be concerns about the makeup of the sample opting to take the online test, these concerns are outweighed by its efficiency and economy.<sup>40</sup> An abbreviated twenty-four-item version of the VIA-IS, known as the Brief Strengths Test (“BST”), is offered on the Authentic Happiness website of the University of Pennsylvania.<sup>41</sup> While the VIA-IS reveals an individual’s character strengths in rank order, the BST reports each character strength according to where the individual falls relative to all other test-takers, test-takers of the same gender, age, occupation (including law), education level, and zip code.<sup>42</sup> More research is needed to know if the BST is fully valid,<sup>43</sup> but it is useful for our purposes in this study in order to maximize the sample size.

After analyzing data from a sample of adults who took the VIA-IS, Peterson and Park divided the strengths using two factors: heart versus mind and head versus other.<sup>44</sup> Based on their factorial analysis, they designated some as *head strengths* and others as *heart strengths*.<sup>45</sup> Head strengths are intellectual and self-oriented, while heart strengths are emotional and interpersonal.<sup>46</sup> Their diagram of the head and heart strengths can be found at Appendix B of this paper. Peterson and Park have concluded that strengths that are close together on their diagram are more compatible than those that are farther apart, and that we tend to make tradeoffs between distant strengths, such as kindness and honesty, rather than possess both.<sup>47</sup>

One of the heart strengths - the character strength of hope, or optimism - figures prominently in the recommendations of Seligman for addressing lawyer dissatisfaction. Its use is particularly powerful because it does not require changing a firm or an entire profession, but rather relies upon changing the

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<sup>38</sup> See PETERSON & SELIGMAN, *supra* note 34.

<sup>39</sup> Nansook Park, Christopher Peterson & Martin E.P. Seligman, *Strengths of Character and Well-Being*, 23(5) J. SOC. & CLINICAL PSYCHOL. 603 (2004).

<sup>40</sup> See PETERSON & SELIGMAN, *supra* note 34.

<sup>41</sup> *Authentic Happiness*, UNIV. OF PA., <https://www.authentichappiness.sas.upenn.edu/questionnaires/brief-strengths-test> (last visited Jan. 25, 2012).

<sup>42</sup> *Id.*

<sup>43</sup> Hadassah Littman-Ovadia, & Michael Steger, *Character Strengths and Well-Being Among Volunteers and Employees: Toward An Integrative Model*, 5 J. POSITIVE PSYCHOL. 419 (2010).

<sup>44</sup> Christopher Peterson & Nansook Park, *Clarifying and Measuring Strengths of Character*, in HANDBOOK OF POSITIVE PSYCHOLOGY 25 (C.R. Snyder & S.J. Lopez eds., 2009).

<sup>45</sup> *Id.*

<sup>46</sup> Nansook Park & Christopher Peterson, *Does It Matter Where We Live? The Urban Psychology of Character Strengths*, 65(6) AM. PSYCHOL. 535 (2010).

<sup>47</sup> See Peterson & Park, *supra* note 43.

thinking style of an individual lawyer. Likewise, their recommendation that lawyers use more of their strengths in the practice is particularly cogent in light of later research showing that happiness increases and depression lessens when subjects use their character strengths in a new way each day for even a week, and that the effect is mediated when use is continued beyond that period.<sup>48</sup>

### *B. Character Strengths and Positive Emotion*

To understand how the use of character strengths can contribute to greater lawyer well-being and arguably to greater professional success, it is important to review how positive psychologists have associated developing our character strengths with fostering our positive emotions and how positive emotions fuel the resources that support life satisfaction and optimal functioning. As noted, our regular use of character strengths serves to increase our positive emotions. Likewise, psychologist Barbara Fredrickson has theorized, based on empirical evidence, that positive emotions broaden and build our social, intellectual, and physical resources.<sup>49</sup> Specifically, she credits them with expanding our scope of attention, our scope of cognition, and scope of action.<sup>50</sup> Through enhanced attention, they also help us build our intellectual resources, a benefit that seems relevant to good performance in the practice of law.<sup>51</sup>

Despite the salutary effects of positive emotion, Fredrickson and Losada acknowledge that appropriate negativity is a critical ingredient in human flourishing and have concluded that a ratio of three positive thoughts to one negative thought is the tipping point toward flourishing.<sup>52</sup> A fair question, which is explored but not resolved in this study, is where that tipping point may rest in the legal profession. Seligman observes that pessimism is fundamental to legal analysis and therefore adaptive professionally (though not personally). Exemplars provide examples that the practice of law is rich and diverse, with both analytical aspects warranting prudence and non-analytical aspects warranting the use of non-analytical heart strengths. Although positive psychologists have perceived a dividing line between analytical thinking styles at work and non-analytical styles at home and a need to navigate between them, it appears from these exemplars that for optimal flourishing, some navigation may also need to

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<sup>48</sup> Martin E.P. Seligman, Tracy Steen, Nansook Park, & Christopher Peterson, *Positive Psychology Progress: Empirical Validation of Interventions*, 60(5) AM. PSYCHOL. 410 (2005).

<sup>49</sup> Barbara L. Fredrickson, *What Good Are Positive Emotions?*, 2(3) REV. GEN. PSYCHOL. 300 (1998).

<sup>50</sup> *Id.*

<sup>51</sup> *Id.*

<sup>52</sup> Barbara L. Fredrickson & Marcial F. Losada, *Positive Affect and the Complex Dynamics of Human Flourishing*, 60(7) AM. PSYCHOL. 678 (2005).

occur at work as practitioners seek the right style in the right Losada ratio for the right situation.

### C. Character Strengths, Well-being, Success, and Flow

Positive psychologists have also studied the links between particular character strengths and well-being. A study of 5,299 adults who took both the VIA-IS and the Satisfaction with Life Scale (“SWLS”) correlated particular strengths with individuals’ life satisfaction scores.<sup>53</sup> The five character strengths most highly associated with well-being, in rank order, were the heart strengths of hope, zest, gratitude, curiosity and love.<sup>54</sup> A second study closely replicated these findings, but indicated that love and gratitude had direct effects on life satisfaction – a fact that researchers suggested might mean that those strengths reflected a happiness mode based upon relationships that exceeded the effects of pleasure, engagement, or meaning.<sup>55</sup>

Positive psychologists have found that gratitude, for example, allows us to draw the maximum positive satisfaction from our circumstances and avoid the trap of hedonic adaptation, or simply getting used to the good things in life.<sup>56</sup> It also can help us reinterpret adversity,<sup>57</sup> build social bonds,<sup>58</sup> and inhibit negative emotions.<sup>59</sup>

Considering the correlations between increased use of character strengths and well-being, and what can be the likely impacts of high character strength use upon professional success. Lyubomirsky, King, and Diener, reviewing a large number of cross-sectional, longitudinal and experimental studies, have concluded that happier individuals are more likely to have fulfilling relationships, high income, and superior work performance.<sup>60</sup> They also found, consistent with Fredrickson’s broaden-and-build theory, that positive emotions are often associated with success-oriented resources and characteristics, such as sociability, optimism, energy, originality, and altruism.<sup>61</sup> To the extent that

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<sup>53</sup> See Park, Peterson, & Seligman, *supra* 38.

<sup>54</sup> *Id.*

<sup>55</sup> C. Peterson et al., *Strengths of Character, Orientations to Happiness, and Life Satisfaction*, 2(3) J. POSITIVE PSYCHOL. 149 (2007).

<sup>56</sup> S. Lyubomirsky et al., *Pursuing Happiness: The Architecture of Sustainable Change*, 9 REV. GEN. PSYCHOL. 111 (2005).

<sup>57</sup> B.L. Fredrickson et al., *What Good Are Positive Emotions in Crisis? A Prospective Study of Resilience and Emotions Following the Terrorist Attacks on the United States on September 11th, 2001*, 84 J. PERS. & SOC. PSYCHOL. 365 (2003).

<sup>58</sup> M.E. McCullough et al., *Is Gratitude a Moral Affect?* 127 PSYCHOL. BULL. 249 (2001).

<sup>59</sup> M.E. McCullough, *The Grateful Disposition: A Conceptual and Empirical Typology*, 82 J. PERS. & SOC. PSYCHOL. 112 (2002).

<sup>60</sup> S. Lyubomirsky et al., *The Benefits of Frequent Positive Affect: Does Happiness Lead to Success?*, 131 PSYCHOL. BULL. 803 (2005).

<sup>61</sup> *Id.*

increased character strength use fuels well-being and success, their findings are consistent with those of the Gallup Organization, that using the Gallup strengths at work predicts increased engagement on the job and an excellent quality of life.<sup>62</sup> The strength-success link is also consistent with findings by Linley, Nielsen, Gillett, and Biswas-Diener that the use of character strengths supports the attainment of goals, which leads to greater satisfaction.<sup>63</sup>

Another way in which character strengths may come into play is in the creation of a condition called *flow*. A construct first identified and studied by psychologist Mihaly Csikszentmihalyi, flow is a state of optimal experience that we can create individually, apart from our environment, and in which we become totally absorbed.<sup>64</sup> Flow often arises when we confront a challenge for which we have special skills. At work, tasks that resemble a game – with built-in goals, feedback, rules, and challenges – can put us into flow.<sup>65</sup> It follows that the more we use our character strengths to develop our skills, the more likely we would enter the flow state. This would be true for lawyers as well, one scholar has suggested.<sup>66</sup>

#### D. *Learned Optimism*

One aspect of the character strength of hope is what Seligman describes as *learned optimism*, or the style of attributing bad events to “external, unstable and specific” causes as opposed to the pessimistic style that favors “internal, stable, and global” causes.<sup>67</sup> Seligman’s research on a more hopeful explanatory style became foundational to his work in positive psychology.<sup>68</sup> It is not surprising, then, that research showing law students benefit from pessimism drew the attention of positive psychologists, who then recommended *flexible optimism* at home and *adaptive pessimism* at work to quell lawyer dissatisfaction.<sup>69</sup>

Like the ratio between positive and negative emotions, it is not clear exactly how “adaptive” the pessimism needs to be, to be effective in the prac-

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<sup>62</sup> T. RATH & J. HARTER, WELL-BEING: THE FIVE ESSENTIAL ELEMENTS (Gallup Press 2010).

<sup>63</sup> P.A. Linley et al., *Using Signature Strengths in Pursuit of Goals: Effects on Goal Progress, Need Satisfaction, and Well-Being, and Implications for Coaching Psychologists*, 5 INT’L COACHING PSYCHOL. REV. 6 (2010).

<sup>64</sup> D. Bowling, *Lawyers and Their Elusive Pursuit of Happiness: Does It Matter?* (2012) (Paper presented to a meeting of the North Carolina Bar Foundation, Pinehurst, N.C.).

<sup>65</sup> *Id.*

<sup>66</sup> *Id.*

<sup>67</sup> C. PETERSON, & M.E.P. SELIGMAN, CHARACTER STRENGTHS AND VIRTUES: A HANDBOOK AND CLASSIFICATION (Oxford Univ. Press 2004).

<sup>68</sup> M.E.P. SELIGMAN, *Authentic Happiness: Using the New Positive Psychology to Realize Your Potential for Lasting Fulfillment* (Free Press 2002).

<sup>69</sup> M.E.P. Seligman et al., *Why Lawyers Are Unhappy*, 23 CARDOZO L. REV. 34 (2001).

tice of law. While a pessimistic thinking style is helpful in detecting everything that could go wrong with a client scenario and taking steps to protect the client, it may not be so helpful in interpreting inevitable missteps that will occur in the workplace or at home. Catherine Gage O'Grady, a professor of law at the Sandra Day O'Connor College of Law, Arizona State University, illustrates how a pessimistic explanatory style can demoralize a lawyer in a billable hours environment.<sup>70</sup> With success riding on the ability to bill, an associate whose billings have fallen even temporarily below expectations because of illness or conflicting family responsibility may upbraid herself, conclude she can never succeed at the firm or even in law, and decide to bail out of the practice. The same may occur when she feels pressured to adhere to team scheduling requirements that conflict with family requirements. O'Grady advocates learning an optimistic explanatory style, including disputation of unconscious assumptions, to navigate selected areas such as these.<sup>71</sup>

#### *E. Does Positive Psychology Have the Answers?*

This study will examine women lawyer exemplars to determine whether the principles offered by positive psychologists provide a key to achieving satisfaction and success while practicing law. Specifically, it will examine a sample of high achievers to determine their top character strengths, how frequently they use them, and in what manner, in both their professional and personal lives. I predict that they will possess a preponderance of analytical, or "head" strengths, which they use regularly in their practices, along with some "heart" strengths to navigate personal relationships.

### III. METHODS

#### *A. Use of Exemplars*

To study what makes women lawyers successful, I chose exemplar methodology because, consistent with criteria described by MAPP guest lecturer William Damon, the topic of success is a multi-faceted construct that could offer a full view of a complex subject and might stimulate additional research in an area worthy of further probing. Damon is Professor of Education at Stanford University. He and Anne Colby, in a study of moral exemplars, created a framework for exemplar methodology,<sup>72</sup> which Damon has more recently

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<sup>70</sup> G.C. O'Grady, *Cognitive Optimism and Professional Pessimism in the Large-Firm Practice of Law: The Optimistic Associate*, 30 L. & PSYCHOL. REV. 23 (2006).

<sup>71</sup> *Id.*

<sup>72</sup> A. COLBY & W. DAMON, *SOME DO CARE: CONTEMPORARY LIVES OF MORAL COMMITMENT* (Simon & Shuster 1992).

applied to a study of the search for purpose among young people,<sup>73</sup> and I feel it is useful for this analysis.

Fundamental to studying success in women lawyers, is to define what it means to be successful as a woman in the law. The question is open to debate, and reasonable minds may differ. For that reason, I relied upon a well-established nomination system with standardized criteria instead of random lay nominators to identify successful women lawyers: the Super Lawyers list.<sup>74</sup> This approach is consistent with other exemplar studies, which rely on third party, criteria-based awards to identify exemplars.<sup>75</sup> Super Lawyers includes only attorneys who could be hired by the public.<sup>76</sup> Therefore, it does not include those employed by client institutions, such as government agencies, corporations, or non-profits. Only lawyers who were working in firms, practicing solo, or working for legal aid societies are eligible for inclusion in its directories. Because the final published Super Lawyers list constitutes only about five percent of the lawyers in any state and Rising Stars list constitutes only two and a half percent,<sup>77</sup> I considered them to be exemplars in their profession and appropriate subjects to study as models of flourishing. Although this limitation excluded women attorneys employed in venues where they are reportedly more satisfied,<sup>78</sup> I accepted it for purposes of an exemplar study where a key purpose is to examine strengths used in navigating challenges. The challenging venue of law firm practice particularly predicted rich material.

According to its published selection process, Super Lawyers accepts nominations and identifies lawyers from various databases who appear to be outstanding, under a point-weighted system, with lawyers nominated by peers outside their firms receiving the most points at nomination.<sup>79</sup> Its research department then rates nominees under these twelve indicators: verdicts and settlements; transactions; representative clients; experience; honors and awards; special licenses and certifications; position within law firm; bar and or other professional activity; pro bono and community service as a lawyer; scholarly lectures and writings; education and employment background; and other out-

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<sup>73</sup> W. DAMON, *THE PATH TO PURPOSE: HELPING OUR CHILDREN FIND THEIR CALLING IN LIFE* (Free Press 2008).

<sup>74</sup> *Super Lawyers: Selection Process*, SUPERLAWYERS.COM, [http://www.superlawyers.com/about/selection\\_process.html](http://www.superlawyers.com/about/selection_process.html) (last visited June 20, 2012).

<sup>75</sup> L. Walker & J. Frimer, *Moral Personality of Brave and Caring Exemplars*, 93 J. PERS. & SOC. PSYCHOL. 845 (2007).

<sup>76</sup> *Super Lawyers*, *supra* note 73.

<sup>77</sup> *Id.*

<sup>78</sup> D. Holmes, *Structural Causes of Dissatisfaction Among Large-Firm Attorneys: A Feminist Perspective*, 12 WOMEN'S RTS. L. REP. 9 (1991).

<sup>79</sup> *Super Lawyers*, *supra* note 73.

standing achievements.<sup>80</sup> From those ratings, lawyers receiving top points by practice area rate other nominees in their practice area.<sup>81</sup> Following a final credentials check, those who emerge with the highest points in four size categories based on firm size, receive Super Lawyer status.<sup>82</sup> A parallel process without the peer review ratings is in place to select Rising Stars from among lawyers under forty, or in practice less than ten years.<sup>83</sup>

Women lawyers contacted for inclusion in the study were those who appeared, from a review of Super Lawyer lists from the previous four years, to have achieved Super Lawyer or Rising Star status in their thirties or forties.<sup>84</sup> Because age was not indicated, it was estimated based on law school graduation dates disclosed in online curriculum vitae or other biographical information. E-mail notifications inviting participation in a study of the traits and characteristics of outstanding women lawyers went out to 142 of these women in March 2012.<sup>85</sup>

The purpose of the study was described as to “explore how women in their thirties and forties flourish in this demanding profession.”<sup>86</sup> They were advised that participation in the study would require them to take the online Brief Strengths Test (“BST”), submit the results to the investigator, and, if they were willing, to participate also in a twenty to thirty minute recorded telephone interview about how they used their strengths.<sup>87</sup> Lawyers in their fifties who responded that they were beyond the age limit for the study test but would like to participate were included.<sup>88</sup> During late April, May, and early June of this year, seventeen respondents took the Brief Strengths Test.<sup>89</sup> Sixteen also participated in the interview.<sup>90</sup>

#### B. *Brief Strengths Test*

This abbreviated version of the VIA-IS was selected for this study to increase likely response in a sample stereotypically characterized by extremely busy schedules and work-life balance challenges. By choosing a testing instrument that typically takes about ten minutes to complete, the hope was that

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<sup>80</sup> *Id.*

<sup>81</sup> *Id.*

<sup>82</sup> *Id.*

<sup>83</sup> *Id.*

<sup>84</sup> *Super Lawyers: Selection Process*, *supra* note 73.

<sup>85</sup> *Id.*

<sup>86</sup> *Id.*

<sup>87</sup> *Id.*

<sup>88</sup> *Id.*

<sup>89</sup> *Super Lawyers: Selection Process*, *supra* note 73

<sup>90</sup> *Id.*

respondents might also agree to an interview that would enrich interpretation of the testing results.

Unlike the VIA-IS, which requires ten responses for each of the twenty-four character strengths, the BST includes only one question for each strength.<sup>91</sup> Respondents rate the statement on a five-point Likert Scale, ranging from “Not applicable” to “Always.”<sup>92</sup> For example, to test the character strength of gratitude, this question appears:

Think of actual situations in which someone else helped or benefited you. How frequently did you show GRATITUDE or THANKFULNESS?  
Not applicable   Never/rarely   Occasionally   Half the time   Usually   Always<sup>93</sup>

The BST reports the usage of each character strength according to where an individual falls relative to five different groups: all other test-takers, test-takers of the same gender, age, occupation (including law), education level, and zip code.<sup>94</sup> Therefore, rather than reporting results rank-ordered by score, the BST reports strengths in percentiles and by degree of strengths use ranging from “Always” to “Not applicable.”<sup>95</sup> In other words, those ranking at the very top of a category in the use of a particular strength would show up on the BST as being in the 100th percentile, and the degree of strengths use would appear as “Always.”

To determine the top strengths of each respondent, I arranged her percentile scores of each strength from the 100th percentile downward, in the category of occupation. From this ranking, I assigned each respondent at least five top strengths. In some cases, respondents fell in the same percentile for more than one strength. In all but two cases, it was still possible, using the percentile ranking system, to isolate the top five strengths. Those two respondents had an unusually large number of strengths occupying the same percentile ranking. As a result, I have reported them as having seven and eight top strengths. Table C-1, Appendix C lays out the top strengths of each respondent as calculated under this system.

I then rank-ordered these top strengths in the sample as a whole based on how many times each had appeared among the top strengths of the respondents. Table C-2, Appendix C shows this ranking.

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<sup>91</sup> *Id.*

<sup>92</sup> *Id.*

<sup>93</sup> *Id.*

<sup>94</sup> *Super Lawyers: Selection Process*, *supra* note 73.

<sup>95</sup> *Id.*



### *C. Interviews*

I conducted recorded and structured telephone interviews with sixteen respondents about their strengths used at work. First, I collected information as to their age, marital status, and professional status. Then, I asked about what accounted for their professional success, whether their top strengths as identified on the BST resonated with them as energizing and so natural that they could almost not help but exercise them; whether they used these strengths at work and if so, how frequently; and in what areas of practice they used their strengths. I also asked about their key professional challenges, any ways in which they used their strengths to overcome them, whether they had benefitted from mentors and if so, whether their strengths had played any role in attracting and maintaining mentors. Finally, on the professional side, I asked what gave their lives meaning and purpose and, where there was available time, solicited any advice they might give young women entering the profession.

In the personal realm, I also asked about their key challenges, how they used their strengths to overcome them and whether they had sought any special accommodations from employers to succeed personally or professionally. If they had, I asked what role, if any, their strengths had played in seeking those accommodations.

Then I coded the transcribed interviews for age, marital status, professional status, and years of practice and to detect trends in the following areas: factors attributed to professional success; BST-identified strengths verification; frequency of strengths use; personal and professional applications of strengths; strengths use relative to mentoring; sources of meaning and purpose in the practice; and advice to young women entering the practice.

## IV. RESULTS

The following results come from strengths-testing completed by seventeen women attorney respondents, as well as recorded phone interviews with sixteen of them.

### *A. Demographics*

Of the sixteen women interviewed, ten were in their forties, five in their fifties, and one in her thirties. On the home front, eleven were married, three were in domestic partnerships, one was single, and one was separated. At work, thirteen were partners in law firms, and three were solo practitioners.

The biggest demographic surprise was age. The range, from thirty-seven to fifty-eight, was higher than expected. I originally intended to study successful women attorneys in their thirties and forties in the belief that their likely immersion in balancing work and family issues would especially enrich their

interviews. Based on law school graduation dates, I expected the sample to reflect this age range almost exclusively. However, delayed entry into law school may have expanded the sample into the fifties. When women responded that they appeared to be “too old” for inclusion, I invited their participation regardless in the belief that they might offer a longer-term perspective, and the interviews bore me out. In addition, four of these women were still responsible for minor children.

As for women in their thirties, it is possible that “Rising Stars” who did not respond to the survey invitation were in fact, as predicted, thoroughly immersed in the work-life balance issues. For them, other priorities may have trumped participation. On the other hand, the older participants may have opted to participate because they had reached a point in the profession where they had not only the opportunity, but also the inclination to be more reflective.

### *B. Verification of Strengths*

Each attorney verified during her interview that some, or all of the BST-identified strengths, resonated with her as being energizing and as a strength she could not help but exercise. Twelve of the sixteen embraced all of their identified strengths as being “just like me.” Others added strengths that the BST had not detected or challenged a top strength it had found.

For example, one added the strength of creativity as one that she uses extensively, but had not been identified, and provided compelling examples of how she used creativity in her work.<sup>96</sup> Another noted that in addition to her identified strengths, intelligence is a top strength for her.<sup>97</sup> Intelligence *per se* is not included among the twenty-four character strengths, but rather is considered a talent or ability and so is not identified in the BST.<sup>98</sup> Still, another at first disowned bravery as a strength, but then acknowledged that she might just have trouble seeing it in herself.<sup>99</sup> Another stated that she was not naturally brave, but had developed that strength through her practice.<sup>100</sup>

### *C. Gratitude and Kindness: Top Strengths*

The strength of gratitude, which was a top strength for ten attorneys, emerged as the most commonly occurring top strength in the sample, followed by kindness (8), social intelligence (7), zest (6), and then bravery, forgiveness,

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<sup>96</sup> Interview with Attorney No. 3 (May 15, 2012).

<sup>97</sup> Interview with Attorney No. 16 (June 6, 2012).

<sup>98</sup> C. PETERSON & M. E. P. SELIGMAN, *Character Strengths and Virtues: A Handbook and Classification* (Oxford Univ. Press 2004).

<sup>99</sup> Interview with Attorney No. 12 (May 22, 2012).

<sup>100</sup> Interview with Attorney No. 11 (May 22, 2012).

love, hope, prudence and self-control (5). The top four strengths (gratitude, kindness, social intelligence and zest) are among those termed *heart strengths* by positive psychologists.<sup>101</sup> Among the top ten strengths, the ratio of heart strengths to head strengths was seven to three.<sup>102</sup> All seventeen attorneys had a mixture of head and heart strengths among her top strengths. Of those, twelve attorneys had a majority of heart strengths, four had more head strengths, and one was evenly divided between heart and head.<sup>103</sup>

Peterson and Seligman, in their classification system for positive psychology, extensively discuss the nature of each of the twenty-four character strengths.<sup>104</sup> For purposes of understanding the study results, the ten top strengths of these super-achievers are briefly described in Table D-1, Appendix D, along with the BST question that was related to that particular character strength.

#### *D. Relationships: Top Success Factor*

Apart from their BST results, in response to an interview question, each of the women interviewed initially offered a spontaneous assessment of what factor or factors was most responsible for their professional success. Mirroring the preponderance of heart strengths in their BST results, positive relationships with others was the most commonly mentioned success factor, with twelve out of sixteen crediting relationships with other people, whether with clients, co-workers or other lawyers, for helping them move ahead. One of the forty-something lawyers, who chose for this question to break her career into phases, named relationships as pivotal both early and late, even though other factors had changed over time. Risk-taking and writing came earlier in her career path and persistence and leadership later on.<sup>105</sup>

As another interviewee said:

[S]o much is based on relationships. You know, I got my job at the firm because a friend of mine from college worked at the firm and passed my resume on . . . . And the way I get business is because I have friendships and connections and relationships with people who have the ability to send me bus-

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<sup>101</sup> See *infra* Appendix B

<sup>102</sup> See *infra* Table C-2, Appendix C

<sup>103</sup> See *infra* Table C-1, Appendix C

<sup>104</sup> C. PETERSON & M. E. P. SELIGMAN, *Character Strengths and Virtues: A Handbook and Classification* (Oxford Univ. Press 2004).

<sup>105</sup> Interview with Attorney No. 13 (May 22, 2012).

iness. So kind of maintaining that contact or not underestimating that is really important, I think.<sup>106</sup>

At the same time, the women did not discount the value of qualities associated with head strengths such as persistence or self-control in their success. Nine of sixteen named either hard work or persistence, or both, as a key to their success. Of those, six also cited relationships as a key. The coexistence of softer and more analytical qualities continued as a theme when they discussed how their various character strengths played out in various aspects of their practice.

Other factors named as contributing to success were, in descending order, legal skills, meaning, luck, intelligence, and risk-taking.

#### *E. Strengths Used Regularly in Varied Aspects of Practice*

Each woman in the sample reported that in her practice, she regularly had opportunities to use – and did use – the top strengths she identified with. Nine of the women reported that they used their top strengths daily. Each respondent provided anecdotal evidence of strengths used in one or more aspects of her practice. In three areas – client development, firm management, and deciding on the direction of their practices – they especially drew on their heart strengths. Even in the contentious area of litigation, which involves dealing with opposing counsel, presenting and cross-examining witnesses, and arguing to the court, nearly half said they found ways to use their heart strengths in their work.

Here, from their interviews, are examples of ways these women achievers use their top strengths to enhance their practices. In some cases, they will discuss a top strength that is not among the ten most often occurring in the sample. It will be a strength that the BST identified as being among their respective top strengths or one they embraced apart from the BST.

##### **1. Business Development**

It was in the area of business development that heart strengths played the largest role among women in the sample. Of the seven women who mentioned using their top strengths for business development, all relied on heart strengths.<sup>107</sup> A woman whose top strengths included gratitude said that it worked as a two-way street in client relations and in turn, client development.

I think gratitude is quite mutual in my particular practice. My clients are often very happy and very grateful for the work that

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<sup>106</sup> Interview with Attorney No. 6 (May 21, 2012).

<sup>107</sup> See *infra* Table C-1, Appendix C.

I've done for them, and I in turn am very grateful that I had the opportunity to do it.<sup>108</sup>

Similarly, another partner with multiple heart strengths (love, gratitude, and social intelligence) said that her relationship strengths make the difference in attracting high-end clients who are willing to pay at a partnership-level rate. As she put it:

I think that just being able to . . . try to figure out what makes somebody tick is always a good quality. Essentially, what we're describing here is almost sales. Those qualities are helpful. They're not sufficient. But if a client has to choose between somebody who they have a connection with who also has the credentials and somebody they didn't connect with and has the credentials, I have to believe they're gonna choose the one that they connected with.<sup>109</sup>

The strength of zest, too, offered multiple benefits to a lawyer, who commented, "I think if people see that you love what you're doing, you're more apt to get their business. And you're more apt to be persuasive to the court, to the jury, to opposing counsel."<sup>110</sup>

Finally, for another, the relationship-building heart strengths of kindness, gratitude, and social intelligence paired with the head strength of creativity paid large dividends in client development. Using her creativity, she developed special women's networking activities that went beyond the standard lawyer golf outings and into arenas she personally enjoyed such as food and wine and gardening. She has also not shied away from involving clients in activities she enjoys outside the office, including sporting activities. For her, this is a way of achieving congruence between her professional and personal lives, and a dividend is client development.<sup>111</sup>

## 2. Firm Management

Eight women said they used their top strengths in their roles as managers in their law firms. In the management arena, heart strengths such as kindness, gratitude, and forgiveness predominated, though two of the women mentioned the head strengths of self-regulation and persistence as the signature strengths they applied to management. Some offered examples of heart strengths work-

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<sup>108</sup> Interview with Attorney No. 15 (May 29, 2012).

<sup>109</sup> Interview with Attorney No. 13 (May 22, 2012).

<sup>110</sup> Interview with Attorney No. 9 (May 22, 2012).

<sup>111</sup> Interview with Attorney No. 1 (May 16, 2012).

ing superbly for them as managers, while others found a need to curb them with head strengths.

For example, one woman, a firm-founding partner, said she used her strength of kindness to be aware of personal issues some employees were dealing with and express empathy. Her gratitude strength made it natural for her to thank employees daily for their hard work and award them for it financially.<sup>112</sup> Similarly, another partner found that the heart strength of forgiveness – both of herself and the associates she mentors – played a pivotal role for her as a manager:

[P]eople make mistakes, and I try to not, you know, clobber them over and over again with one mistake, and try to help them learn. And I try to put my mistakes in perspective as well, and not – you know, there was a time in my life where I really would kind of go over and over and over in my head a mistake that I made, and I just realized it wasn't very productive. So I just try to come to the lessons and move on.<sup>113</sup>

However, one partner in a firm acknowledged that her heart strength of kindness could be a double-edged sword. Her inclination to help others sometimes got in the way of her ability to manage her workload effectively, but was a huge asset in delivering feedback to associates in a compassionate way, so they could grow.<sup>114</sup> Similarly, a woman in a solo practice expressed concerns that her self-identified kindness strength undercut her ability to collect from her clients. “I have developed a concern of late that my kindness causes me to have a little radar thing that says, you can take advantage of me and not pay your bills,” she said, but added that she was learning “the hard way” to get much tougher using her kindness strength in that arena.<sup>115</sup> Another woman in the sample, also challenged by collecting from clients, said her head strength of persistence had paid off.<sup>116</sup>

Finally, the one partner for whom leadership surfaced as a top strength on the BST found it extremely useful in her role as a department chair in her firm when she exercised it in conjunction with her (head) strength of humility:

I know it all comes back to leadership, because I've been in charge a long time, and though I tend to look at it through the lens of, how do I get people do to what I want them to do, in a

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<sup>112</sup> *Id.*

<sup>113</sup> Interview with Attorney No. 14 (May 25, 2012).

<sup>114</sup> Interview with Attorney No. 16 (June 6, 2012).

<sup>115</sup> Interview with Attorney No. 11 (May 22, 2012).

<sup>116</sup> See *supra* note 109.

way, that they're actually willing, and anxious, to do? I always hope that I am as fast as, anyone to say, "That's a better idea than I had, and I will have to support that." Some people are in love with their own ideas when they shouldn't be, and I really want to get to the best results for everyone, all the time.<sup>117</sup>

### 3. Career Direction

Besides applying their heart strengths to spheres involving interpersonal relations, five women relied on them to steer the business direction of their firms or their choice of practice areas.

One woman, who said she used her strengths of hope or optimism, and gratitude in her role as partner within a firm to cheer the other partners along when they became discouraged about cash flow or leadership changes, said:

I think others at times tend to focus primarily on the negative – the negatives that may be facing them. And I feel as though I'm sort of constantly bringing them along to try to look at the big picture and say, "Look, we – we have been tremendously successful. This firm has been around for many years, so you know - . . . we're going to continue to be successful."<sup>118</sup>

Likewise, another seasoned practitioner whose strengths include hope and kindness, said she relied on kindness to keep her own mood positive:

(W)hen I'm feeling really down, and depressed, and just feel like I don't wanna do this anymore, I go do something. It sounds corny, but I go do something nice for somebody. I perform a random act of kindness; it makes me feel better.<sup>119</sup>

For some, top strengths drove the choice of practice area. A trust and estates attorney, for example, believes her kindness and social intelligence fuel success in dealing with families both in planning and at the time of a death. And her head strength of open-mindedness allows her to see all sides of an issue and plays into the nature of the work, which she describes as "so many puzzle pieces that you're trying to put together."<sup>120</sup> Similarly, a woman partner

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<sup>117</sup> Interview with Attorney No. 4 (May 15, 2012).

<sup>118</sup> Interview with Attorney No. 5 (May 15, 2012).

<sup>119</sup> Interview with Attorney No. 2 (May 15, 2012).

<sup>120</sup> Interview with Attorney No. 6 (May 21, 2012).

whose top strength was the capacity to love and be loved gravitated toward protecting the civil rights of individuals.<sup>121</sup>

For three women who moved toward practices compatible with their strengths and values, it was head strengths that facilitated that move. The trusts and estates attorney, for example, credited her strength of persistence with causing her to hold out for the right specialty coming out of law school rather than take the first offer.<sup>122</sup> Two women in the sample called on their strengths of bravery to leave a more secure practice within a law firm to launch solo practices more in line with their values. One credited a life coach with helping her muster her courage. The coach, she said, had accurately noticed that the firm was dousing the fire in her, not with buckets of water, but a medicine dropper.

I think that I needed to be willing to take the risk of going out on . . . my own and . . . jump out of the cushy nest . . . I was in a dead end, but it was a cushy dead end. So I needed to leave the comfort zone of having work provided to me by others in the firm and stick my neck out and say, I'm going to chart my own course.<sup>123</sup>

The other took a courageous leap from a mid-size firm into a solo practice because she was uncomfortable with the money-driven culture of the firm. "It's not a Maserati to me," she said of practicing law, adding that at the firm:

It became, you know, the focus of how much money can we earn. How much money – what kind of cars are we driving. How big are our houses? You know what country clubs do we belong to and I basically found that distasteful.<sup>124</sup>

#### 4. Litigation

Twelve of the sixteen women interviewed described themselves as lawyers, or said that litigation was part of their work. In this role, they took depositions, drafted motions and responses under deadline pressure, dealt with opposing counsel, tried to negotiate settlements and failing that, presented and cross-examined witnesses and made arguments to the court and sometimes a jury. This contentious area of practice was the only one where head strengths predominated among those mentioned by respondents. Of the eleven who men-

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<sup>121</sup> Interview with Attorney No. 12 (May 22, 2012).

<sup>122</sup> See *supra* note 121.

<sup>123</sup> See *supra* note 116.).

<sup>124</sup> Interview with Attorney No. 3 (May 15, 2012).



tioned litigation as an area where they were able to use their top character strengths, six mentioned using only head strengths, while five used a combination of head and heart strengths. The head strengths they used were bravery, creativity, self-regulation, persistence, open-mindedness, and prudence. Those who said they also used heart strengths mentioned the strengths of teamwork, kindness, forgiveness, zest, optimism, and love.

Two who mentioned only the head strength of creativity said they used it to fashion client-pleasing resolutions to disputes. As one, an attorney who defends clients in personal injury cases, offered:

Sometimes, it might be . . . a situation where you have a personal injury case at a construction site. If we know that we're liable, I mean, we just defend on the damages and we limit the cost, and cut down discovery to focus on the real issue. So, you try to use your creative problem-solving and litigation skills to . . . get the best result to the client. And the best result may be that you concede – you know, pick the battles that you're gonna win.<sup>125</sup>

The other found her strength of creativity applicable to family law, where varying financial situations and family dynamics call for specially crafted solutions to domestic disputes, such as divorce and custody issues.<sup>126</sup>

One cited avenue for bravery was having the courage to admit a mistake made in trial. A woman who supervises a number of other attorneys acknowledged that admitting a mistake or mix-up to a client was hard and a bit risky, but in her experience, ultimately strengthened the client relationship.<sup>127</sup>

When bravery came up as a character strength useful in litigation, one lawyer cautioned that it was best exercised in conjunction with another of her strengths, prudence. As she pointed out:

Some people are extraordinarily brave, but they just take an untenable position, and those untenable positions tend to play out in unfortunate ways. I think you have to take a reasonable position and then stick to it. Everyone is better off if you do that.<sup>128</sup>

Related to bravery in trial work came self-regulation. The need for it went beyond the discipline to thoroughly prepare for trial and entered the courtroom itself. As one experienced lawyer put it:

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<sup>125</sup> See *supra* note 112.

<sup>126</sup> See *supra* note 125.

<sup>127</sup> See *supra* note 114.

<sup>128</sup> See *supra* note 118.

[S]ometimes I have to hold things back and not ask the question too many [times] or play a hand that I shouldn't play. And sometimes I'm required to advocate for a position. I would never overstate a position. But I may not feel as connected to my client or be as sympathetic to my client. No one can ever know that but me. I think that takes some discipline and commitment to doing that.<sup>129</sup>

As heavily as head strengths played in litigation, so did the heart strengths of kindness and forgiveness. One woman, self-described as a lawyer who likes to fight the good fight, talked about the importance of using those strengths to overcome the destructive anger and jealousy that can come with litigation:

People fail to kind of separate what's productive from what's vindictive in what they're doing with their cases . . . and I think I struggle with that as much as anybody else. But I'm very conscious of it and I really work to depersonalize the process, to maintain respectful, professional relationships with my adversaries. And I think that makes me a successful lawyer because I think all of that emotional kind of stuff that comes along with litigation can really detract from . . . one's effectiveness as a lawyer.<sup>130</sup>

Another lawyer balanced her heart strength of zest with the head strength of prudence in trial work "because once you decide on a course of action, whatever it might be, you got to go full-on and you got to be enthused and motivated."<sup>131</sup> Another lawyer saw a place for kindness in her family law practice, but acknowledged that compared to her other top character strengths (zest, prudence, spirituality, and social intelligence), kindness was the most difficult to work into high conflict situations because it can be seen as a sign of weakness. Still, she said she tries to start from that place, and when kindness is accepted, the payoff is big because it benefits the clients.<sup>132</sup>

Still another trial lawyer believed that her strengths arsenal, which was almost evenly split between head strengths (humor and persistence), and heart strengths (gratitude, love, and social intelligence), was ideal for connecting with a jury, but discounted heart strengths "when you're more into a wonky area of law and it's just the metrics and regression analyses."<sup>133</sup>

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<sup>129</sup> See *supra* note 111.

<sup>130</sup> Interview with Attorney No. 7 (May 21, 2012).

<sup>131</sup> Interview with Attorney No. 8 (May 21, 2012).

<sup>132</sup> *Id.*

<sup>133</sup> See *supra* note 110.

### *F. Strengths Used To Meet Other Professional Challenges*

In addition to developing business, managing their firms, directing their careers, and litigating cases, these women said they called upon their top character strengths, both head and heart, to meet several other professional challenges.

#### 1. The Only-Woman Challenge

One of the women, high on the head strength of self-regulation, talked about the need to manage herself when she was the only woman on a team or the only woman in litigation:

I have to be able to control anger and hostility and keep things on a professional . . . level, and I think that there are circumstances where that's harder when you're the only woman in the room. I really think dealing with a team that's all women is very, very different from dealing with a team that's all men.<sup>134</sup>

#### 2. The Micro-Management Challenge

Another woman, a partner, said that she had used her strengths of spirituality and prudence and held back on her strength of zest in the ongoing struggle to delegate more to associates as she advanced in the firm. She explained:

I think that you've got to have some faith that things are going to work out all right and put that trust in someone else and know that there's something greater than us doing that . . . [The zest] kind of makes me want to keep it all, but I have to kind of step back and say that, no, this is the right thing to do. It is the prudent thing to do, too, because you can't do everything for everyone.<sup>135</sup>

She also credited her social intelligence with being able to read whether it was acceptable to a client to delegate the work to an associate and to know whether the associate was a good fit for a particular client and assignment.

#### 3. The "Mistake" Challenge

Several women referenced the seriousness with which they viewed their work and their obligations to their clients, particularly with respect to some-

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<sup>134</sup> See *supra* note 131.

<sup>135</sup> See *supra* 132

times-worrisome responsibilities of litigation. No one put it better than this lawyer, whose top strengths were self-regulation and forgiveness:

The pressure of having others dependent on you in very important matters, the ease with which one can make a mistake; there are lots of ways to screw up and ways to screw up that are not necessarily intuitive. So you have to be ever mindful.

Her conclusion was that perhaps both self-regulation in reviewing the work and self-forgiveness might need to work together to overcome this challenge. But she said she was still struggling with it.

#### *G. Strengths To Meet The “Work-Life Balance” Challenge*

The key personal challenge mentioned by the women in the sample was the elusive quest for “work-life balance.” Thirteen of sixteen women interviewed were currently raising children. Two had grown children, but had raised them while practicing. Of those fifteen, fourteen said they had relied or were relying on assistance from a husband or domestic partner for child rearing. Two of those were relying on stay-at-home dads. The at-home children ranged in age from one year to seventeen, but most were school age. Even those with husbands or partners who shared in child care, reported challenges making time for children and/or friends and for themselves while practicing law. Four also had some caregiving role with elderly parents.

In their struggle to find time and energy for both the professional and personal parts of their lives, these women voiced the same concerns that commentators have regarding the difficulty in navigating a demanding law career on top of child rearing responsibilities. That is, if they choose to do both, they may decide to reduce their hours, which could interfere with career advancement, but otherwise they could experience undue stress.<sup>136</sup>

Contrary to my predictions, negotiating work-life balance with employers did not prove to be a major source of strengths used in this sample. Most said they were already partners or subject to across-the-board firm policies on flexible arrangements. Several commented that they had the flexibility of working from home at times as long as their billable hours were adequate, but the challenge was long work hours required for billables and unpredictable schedules. Rather, the successful women in this study navigated their work-life balance challenges by using their strengths to create and maintain a good child care support system or, as one woman called it “a village” that at one time included

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<sup>136</sup> Taber et al., *Gender, Legal Education, and the Legal Profession: An Empirical Study of Stanford Law Students and Graduates*, 40 Stan. L. Rev. 1209, 1257-58 (1987-1988).

a nanny, a mother, godmothers, aunts, and friends.<sup>137</sup> While none of the women offered cure-alls for the work-life balance problem, twelve shared ways they had used their top strengths to navigate it. Four relied on heart strengths, three on head strengths, and five on a combination of both.

### 1. Heart Strengths

Gratitude, kindness, and social intelligence showed up as heart strengths that were pivotal to making flexible childcare arrangements with back-up plans, to care for school-age children while mom worked typically long and sometimes irregular hours.

A new mom with this cluster of strengths said she is using them as she calls on strong relationships, formed over the years, as a source of childcare when she and her husband are not available.

You know, I have good friends, and good relationships with my family, and when I need to call in a favor, I don't feel as though I'm overstepping 'cause I feel as though I usually repay the favor. I've tried to line myself up that if anyone ever needs me, I'm there for them no matter what's going on in my life. And I don't feel bad when I have something that comes up, and I can call on a good friend, or my family.<sup>138</sup>

Another newcomer to the work-and-childcare scene said she relied heavily on her strength of gratitude as she negotiates sharing responsibilities for their toddler with her husband, who works full-time. The negotiation is tricky and ever changing. As a solo practitioner, she has experimented with reducing her hours and taking on more of a domestic role, which she describes as "a huge adjustment in terms of my identity and my marriage."<sup>139</sup>

In the same vein, another woman with two children, now grown, looked back on managing the work-life balance challenge as an exercise in love, gratitude, and teamwork, all heart strengths:

In a long-term marriage with two children, and I have extended family and close friends . . . I think that love and teamwork are critical . . . I show a lot of love for the people in my life and gratitude for what they do for me . . . I don't know how you have relationships without working as a team. You know, I mean you help people, they help you.<sup>140</sup>

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<sup>137</sup> See *supra* 120.

<sup>138</sup> See *supra* note 112.

<sup>139</sup> Interview with Attorney No. 10 (May 22, 2012).

<sup>140</sup> See *supra* note 115.).

This same woman was quick to point out that although exercising gratitude brings her positive results; she uses it instinctively, not as a strategy.

Still another lawyer credited her heart strengths of appreciation of beauty and excellence and teamwork with her domestic partner for bringing balance to their lives while raising a school-age child. “I watch the sunset pretty much every night if I can,” she said, “and drag my son out onto the porch with me for it.”<sup>141</sup>

## 2. Head Strengths

Self-regulation, persistence, and humility came up from three women who relied on head strengths to navigate work-life balance issues. One, whose husband takes responsibility for a teen-ager and elderly parent, credited her self-regulation strength and her husband’s for keeping their lives organized and running smoothly while she works full-time.<sup>142</sup>

Another, whose domestic partner shares decision-making regarding their school-age child, cited humility as a strength that makes that process work:

[S]ome are not decisions that I would have made, but they’re none I couldn’t live with. You have to have humility to embrace them. You have to step up, and make the decisions that you’re in charge of making. You have to work cooperatively to make decisions together, particularly when you have a child. I think that’s the biggest challenge.<sup>143</sup>

Finally, a woman whose husband left his profession to fill a full-time parenting role at home cited persistence as the strength she has had to engage to make the new arrangement work. “I have to bring the money in,” she explained, “so it doubled my determination at work because I feel much more pressure as the sole breadwinner than I did as the co-breadwinner.” At home, she relies on her strength of humor to help ease the pressure that comes from their new roles, and says she has to be careful not to treat her husband as a subordinate associate in his domestic role.<sup>144</sup>

Similarly, another woman commented that she had to be careful about bringing ultra analytical skills into her personal relationships:

I’m a lawyer so I take depositions and I go to trial, and I cross-examine people, and sometimes I bring those same very hardcore analytical skills to bear in my personal relationships,

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<sup>141</sup> See *supra* note 122.).

<sup>142</sup> See *supra* note 125.

<sup>143</sup> See *supra* note 118.

<sup>144</sup> See *supra* note 110.

and it's not a good idea to try to sort of drill down into somebody's else's thought process.<sup>145</sup>

### 3. Heart and Head Strengths

A common way of navigating work-life balance issues was to engage both head and heart strengths. For example, genuine expressions of gratitude is what another woman believes allowed her to rely on the same wonderful nanny for six years while her children were small and build a strong network of friends who are there for her and the children when they need them. She added that she is quick to help her friends with their child care challenges as well, an exercise of her strength of kindness. But she said her strength of persistence also figures into her success with the balance issue and is fueled by the fact that her children are her number one priority.<sup>146</sup>

Similarly, another woman said she paired her heart strength of bravery with her self-identified head strength of humor when mid-career she married a man with two children.

I mean I know a lot of people said I was crazy, but I think I just really trusted my husband. I trusted my relationships and my judgment with what I could do. And it's borne out, which has been great. It's been a real positive part of my life.<sup>147</sup>

She commented that as the child rearing unfolded, her trust was borne out. Her husband stepped up and took over the bulk of responsibilities out of respect for the demands of her job.

Likewise, a woman with high teamwork and self-regulation strengths said she drew on those as she and her partner parented a twelve year old:

We have to share and share alike and recognize that everybody's commitments are equally important. And if I have a deposition and my daughter has a dress rehearsal and my partner has a big meeting or something out of town, we have to figure out . . . what's gonna give or how to make up for [it] – how to pull in outside resources.<sup>148</sup>

Even a woman whose husband has also taken on caregiving responsibilities as a stay-at-home dad and rated the arrangement highly ("maybe an 8.5 out of 10"), believed the arrangement was tough on the children, who are pre-teen and

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<sup>145</sup> See *supra* note 122.).

<sup>146</sup> See *supra* note 109.

<sup>147</sup> See *supra* note 114.

<sup>148</sup> See *supra* note 131.

early teen, because the affluent neighborhood where they live features mostly stay-at-home moms. “There’s a whole host of gender issues that go along with that,” she said. “That’s . . . a whole other study you could do.”<sup>149</sup>

Another woman with a stay-at-home-dad caregiver agreed that the arrangement has its challenges. She had called upon her head strength of prudence and heart strength of spirituality to rein in a tendency to micromanage. She and her husband have also hired a cleaning lady, and agreed that when the youngest is in kindergarten, he will be freed to launch a wished-for business.<sup>150</sup>

Finally, even though forgiveness did not show up as a top strength on her BST, one woman said it was a combination of self-regulation and self-forgiveness that most helped her:

We had a sentence that we used when my daughter was growing up and it’s, “These things happen.” And we would just say that when things were sorta running amuck – you’re late, you missed the bus, you forgot your shoes, the backpack is not in the car – whatever the problem happens to be. We’d say, “Well, you know, these things happen,” and that was our way of just saying, “Oh, well, you know, we’ll just move on. Let it go.”<sup>151</sup>

#### *H. Strengths and Mentoring*

Twelve of the sixteen women interviewed said they had benefitted from mentoring in their professional lives. Of the nine who said their strengths had helped them attract and/or retain mentors, most mentioned heart strengths such as social intelligence, gratitude, and zest as effective in drawing mentors. Two, though, mentioned the strength of humility, a head strength, as important to them in winning the attention of mentors. Finally, leadership, a strength Peterson considers both a head and heart strength, drew mixed reviews as one that might foster mentoring.<sup>152</sup>

A woman who credited her heart strengths of zest and social intelligence with attracting some influential female mentors, explained how that had worked:

[Zest and social intelligence] helped because a lot of the mentors were sometimes even opposing counsels. They are bar association colleagues, and I get very enthusiastic about

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<sup>149</sup> See *supra* note 119.

<sup>150</sup> See *supra* note 132.

<sup>151</sup> See *supra* note 120.

<sup>152</sup> C. PETERSON, A PRIMER IN POSITIVE PSYCHOLOGY (Oxford Univ. Press 2006).



things. And I work really hard and I think . . . a respect develops. So I think . . . that played into it, and then the social intelligence, I think just being . . . a people person, trying to bring out the best in other people, find out what's important to them. . . played into it too because I tend to develop friendships pretty quickly. I just like people, I guess, in general.<sup>153</sup>

Another, drawing on her strengths of kindness, gratitude, and social intelligence, was not shy about seeking out a successful lawyer/mom as a mentor when she had her first child because she noticed the woman was able to manage her time and did not "have baby puke on her shoulder." It was a helpful arrangement, she said:

I do turn to her from time to time and say, "How do you do this?" or, "I'm losing my mind. What should –?" She's like, "Oh, you're fine," you know? And she just kinda helps me keep it in check.<sup>154</sup>

The head strength of humility – but not leadership – worked for two other women in attracting mentors. "Mentors don't like it when you try to take the leadership mantle away from them," she said.<sup>155</sup> Echoing her view was a woman who said she was able to get mentors because she was not threatening to anyone. "I show adoration pretty readily when I think somebody's really great at something," she said. "I tell them how great I really think they are."<sup>156</sup>

Another, though, said that as a mentor herself, she is drawn to those who already show leadership potential:

[I]f you meet with somebody who you feel like has a lot of impediments to success, you're not going to invest a lot of time because you feel like, okay, well I could give you some stuff but that's not getting you over the hurdle. Whereas if you feel like somebody has a lot in the package already and they just need some help with some things, in some ways you're more willing to invest.<sup>157</sup>

Just as head versus heart orientation revealed itself in the way these women navigated challenges, so, too, was it revealed in the sources of purpose and meaning they found in their law practices.

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<sup>153</sup> See *supra* note 132.

<sup>154</sup> See *supra* note 112.

<sup>155</sup> See *supra* note 118.

<sup>156</sup> See *supra* note 125.

<sup>157</sup> See *supra* note 115.

### *I. Strengths and Meaning*

When asked about the key sources of meaning and purpose in their professional lives, the largest number – ten of sixteen women – mentioned client-centered activities, such as helping clients and establishing good client relationships. Of those, one also found meaning through empowerment to navigate the legal system and another found meaning in winning. Three mentioned business or management activities, such as supervising employees and bringing in business. Of those, one also found meaning in the intellectual stimulation of her practice area. Two mentioned intellectual stimulation alone as their source of meaning, and another found meaning in her bar association activities.

Some of those who found meaning in client-centered activities offered anecdotal evidence in support. A domestic relations lawyer, who attempts to resolve disputes rather than push them to litigation, told how she used tough love, compassion, empathy, and sternness to persuade an alcoholic client to get sober and regain access to her children.

“Had she not been in a collaborative case and had I not approached her in the right way . . . I don’t think she would have made it,” said the lawyer, who has high strengths of both forgiveness and self-regulation.<sup>158</sup>

Another, who represents plaintiffs in employment actions and has a strong citizenship, or teamwork, strength, felt she was part of staving off poor working conditions in this country. Because the actions sometimes went on for years, she also enjoyed the relationships she maintained with her clients over time and learning about everyday work, such as, “what it’s like for people who sell ads in the yellow pages, what people do when they work at a power plant.”<sup>159</sup>

Another, also high in the strength of love, gravitated toward social justice work but also finds meaning in creating good office relationships at her firm and in the intellectual stimulation of her practice:

I love a really complicated issue. I love writing a beautiful brief. Although at this point, I’m so senior and so expensive that I don’t do it from the beginning to the end the way that I used to. I’m now more putting the finishing flourishes on other people’s work, which is its own source of enjoyment.<sup>160</sup>

The personal connections with clients created meaning for another, a trusts and estates attorney with high gratitude and kindness strengths:

I think it’s more about working with the specific families and clients and becoming one of their trusted advisors, more than

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<sup>158</sup> See *supra* note 125.

<sup>159</sup> See *supra* note 131.

<sup>160</sup> See *supra* note 110.

it is the actual work. But it's one of the few areas of the law that you're still engrossed in someone's personal . . . needs, as opposed to their corporate needs or something like that.<sup>161</sup>

Similarly, a personal injury lawyer high in the strength of gratitude found meaning in "mak[ing] a difference in people's lives," developing close relationships with them and experiencing their gratitude.<sup>162</sup>

Making sure her employees had work also contributed to the meaning for a lawyer who found purpose in managing her own firm:

I like to make sure . . . that everyone has got stuff to do and that the business keeps coming in. You take a certain amount of pride in what you're responsible for. You know, I can bring in a client that's keeping people employed and getting paychecks . . . . It makes me feel good that I can keep everyone busy and, hopefully, happy.<sup>163</sup>

Another participant, a tax lawyer high in leadership, found her work intellectually stimulating, but also found meaning in it through her belief that by making businesses more profitable, she was indirectly improving people's lives.<sup>164</sup>

Finding meaning in work also figured heavily into the advice these successful women said they would give to young women just entering the field.

#### *J. Advice to Others*

Fifteen of the women offered wide-ranging advice to new women lawyers. Eight of them urged them either to "get help" to ease work-life balance challenges or to "follow your passion."

Some urged staying out of the firms and going solo, while others suggested being very aware of what firms expected, setting terms they could live with, and being professional or indispensable to buy flexibility. Some recommended getting a mentor. Some advice was particularly impassioned. One, who said she used her top strength of love in forming collaborative relationships within the firm, was no-nonsense when it came to setting terms of employment that allowed for family life:

Oh, my God. I would say that it's really important to recognize that you should be coming up with the terms that are

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<sup>161</sup> See *supra* note 121.

<sup>162</sup> See *supra* note 119.

<sup>163</sup> See *supra* note 112.

<sup>164</sup> See *supra* note 118.

important to you. And we work really hard as attorneys, and the payoff for that should be a lot more freedom, and if it isn't, it's not worth what you have to give to it. And that's for professionally and personally. I know there a lot of people who go to work for law firms . . . where they're sort of told what they're gonna do and how they're gonna do it. That's not something I've ever done, so I think women generally tend to be sort of too agreeable. And I don't think that is as important an asset. In fact I think it can really undermine you and I think that women shouldn't be so concerned about being nice and polite. Nice and polite don't get you power.<sup>165</sup>

Along that line, another said she practiced her strength of love at home, but not at her current firm because she felt that the personal friendships she made at another workplace had allowed her to be taken advantage of, particularly with respect to compensation. Her sense was that the firm did not believe she would risk friendships to push for more money.<sup>166</sup>

Being passionate about a niche in the law also came up as a way to make the demands of practice worth it. One woman, who had once considered leaving the law, said she had practiced happily after finding a niche in trust and estates work, which utilized her top strengths of kindness, gratitude, and love.<sup>167</sup>

Another, for whom both gratitude and love of learning were top strengths, described finding criminal defense work as her calling, and urged others to do the same:

My advice is . . . to try to really find a piece of the law that you love and [is] sort of intrinsically interesting because I have just found so many lawyers are really not that happy. And they put up with so much drudgery in so many ways and maybe because it is well compensated generally. Or it's just the nature of people that go down this path . . . hard working and don't look up to ask the question, "Am I really enjoying this?" I feel lucky if I have a little slice of law that I find so compelling. I mean it really was like a calling when I started to do criminal defense. But . . . I feel like I'm in the minority. So if someone was starting out, I would say, "Try to find that piece that at least . . . you have a curiosity about."<sup>168</sup>

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<sup>165</sup> See *supra* note 122.

<sup>166</sup> See *supra* note 114.

<sup>167</sup> See *supra* note 109.

<sup>168</sup> Interview with Attorney No. 10 (May 22, 2012 ).

## V. DISCUSSION

The results of the study demonstrate that as predicted, high-achieving women lawyers regularly, if not daily, exercise their top character strengths to navigate the practice of law and overcome the challenges typically associated with women lawyers. However, contrary to predictions, their top character strengths were predominantly heart strengths, and they used them to navigate relationships in both their personal and professional lives. Their strengths used, though, were nuanced, and in many cases, especially in the workplace, these exemplars paired heart and head strengths to navigate challenges in a balanced manner.

### A. *Regular Character Strengths Use*

All the high achievers in the sample said they used their top character strengths regularly, and most said they used them daily. Moreover, they were able to present convincing examples of how they used them in both their personal and professional lives. For that reason, I conclude that their responses were genuine and not simply to confirm with some perceived expectation.

This predicted result is not surprising. It is consistent with positive psychology research showing that the regular use of character strengths works to increase our positive emotion<sup>169</sup> and that positive emotions build social, intellectual, and physical resources.<sup>170</sup> Positive emotions also are often associated with success-oriented resources and characteristics, such as sociability, optimism, energy, originality, and altruism.<sup>171</sup>

However, given the “lawyer personality” model suggested by Daicoff and Richard’s research showing even women lawyers are thinkers instead of feelers, the types of character strengths these women exercised were not predicted.

### B. *Preponderance Of Heart Strengths*

Of the ten top character strengths identified by these women on the BST, seven were what Peterson and Park have identified as *heart strengths*, which are emotional and interpersonal, as opposed to *head strengths*, which are intellectual and self-oriented. I did not predict this result, but in retrospect see a number of possible explanations including (1) the study design; (2) the fact that other studies of successful practitioners, using different testing instruments, have yielded results that support this finding; and (3) the evolving nature of the practice of law.

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<sup>169</sup> Seligman et al., *supra* note 47, at 415, 419.

<sup>170</sup> Barbara L. Fredrickson, *What Good Are Positive Emotions*, 2 REV. GEN. PSYCHOL. 300 (1998).

<sup>171</sup> Lyubomirsky et al., *supra* note 59, at 844.

In any case, the fact remains that the seventeen successful women who participated in the study possessed a predominance of heart strengths and the sixteen who were interviewed could demonstrate that specific ways in which they used those strengths to become successful. In other words, even if they are not representative of all lawyers, they have much to say about success. Below are possible explanations for the high finding of heart strengths among the women in this sample.

### 1. Impact of Study Design

This was an exemplar study based on a small sample of high-achieving women attorneys. As such, I did not intend to generalize it to the entire population of women lawyers. In fact, the high percentile rankings of each of the women in the study (Table C-1, Appendix C) suggest that they have scored far above other lawyers in heart strengths. It is possible that the women in the sample are higher in heart strengths than other women named to the Super Lawyer lists. It could be argued that the seventeen women who agreed to take the BST from an initial pool of 140 who were invited to do so, were motivated by the same kindness and gratitude that the BST showed them to have.

Another reason that the sample in this study may have demonstrated a preponderance of heart strengths is that strengths such as kindness and gratitude may enhance relationship skills. Having relationship skills may increase the likelihood that peers, who like them, would nominate these individuals for recognition. Also, the rating service bases selection in part on criteria that are relationship-based, e.g., maintaining a solid clientele, achieving prestigious positions within their firms, engaging in bar or other professional activities, and performing community service.

### 2. Other Exemplar Studies

The particular heart strengths identified in the survey, i.e., gratitude, kindness, social intelligence, zest, forgiveness, hope, and love, include three of the five character strengths (gratitude, hope, and love) most closely associated with well-being<sup>172</sup> and Peterson has found a positive correlation between gratitude and zest, or enthusiasm, at work. It may be that given the connections described above between positive emotion, well-being, and success factors,<sup>173</sup> the regular use of character strengths associated with well-being would simply increase predicted success. If that is the case, it is not surprising that women with high well-being strengths might appear on a list of high achievers.

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<sup>172</sup> Park et al., *supra* note 38, at 617.

<sup>173</sup> Lyubomirsky et al., *supra* note 59, at 844; Seligman et al., *supra* note 47, at 415; Fredrickson, *supra* note 171, at 300.

In addition, despite their divergence from Daicoff's more analytical lawyer personality and Richard's predominantly "thinker" lawyers, this exemplar sample may be more similar to the rainmakers that Richard found to test higher in the trait of "sociability" on the Caliper Profile than other lawyers who had excellent skills but were less apt to bring in new business.

Contacted for this paper, Richard, who has consulted extensively with law firms, opined that the lawyer personality has not changed since his early research, despite changes in the practice of law. However, although he is not aware of good gender data on women rainmakers, he suspects that women with high interpersonal skills would shine there. His own observations are that sophisticated women lawyers with high emotional intelligence bring their tendencies toward empathy and nurturing to the practice, but use them strategically within a large firm culture, so as not to appear soft. Within a firm, he said, they might use these strengths to "read" what topics are sensitive for a mentor and time conversations about them with that in mind. Outside the firm, with clients, they might use strengths like kindness and gratitude more freely.

As Richard put it, "If one of your strengths is having the perspective of when to use particular strengths, then choosing not to use them at times becomes a strength itself."<sup>174</sup>

I also shared the results of this study with Ellen Ostrow, a licensed psychologist and certified coach, who founded Lawyer Life Coach, LLC in 1998 to meet the needs of high-achieving women lawyers. She was not surprised at the heart strengths exhibited in this sample. Although she has not formally tallied results, she believes they mirror the VIA scores of many of her clients. She cautioned, though, that a large firm environment does not generally reward kindness and collaboration, and some clients seek other work environments when they become aware of their strengths. She said the one area where firms may indirectly reward lawyers for using the softer strengths is when they lead to increased business.

"Business development is all about relationships," she said, "and many women find this to be a great outlet for their 'heart' skills." Ostrow holds a PhD in psychology from the University of Rochester.<sup>175</sup>

Although women in this sample possessed a predominance of heart strengths, so, to a lesser degree, did successful male lawyers followed in the Terman longitudinal study<sup>176</sup> possess a number of heart strengths. Their peers described them as "contented, fair-minded, sincere, ambitious, competitive, confident, outgoing, sophisticated, intelligent, capable, reasonable, and self-

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<sup>174</sup> Interview with L. Richard, Psychologist (June 27, 2012).

<sup>175</sup> Interview with E. Ostrow, Psychologist (July 6, 2012).

<sup>176</sup> DAICOFF, *supra* note 1.

controlled.” A study of character strengths exhibited by male lawyers named to the Super Lawyers list would be an interesting subject for future research.

Likewise, studies of top Canadian lawyers, which included a study of Canada’s top twenty-five women lawyers, found them to be higher in certain aspects of emotional intelligence than the general population or other lawyers. The study, conducted by Irene Taylor and Stephanie Willson, legal organizational development specialists from Toronto, employed the BarOn EQ-i(r). However, the highest emotional intelligence scores of their women exemplars were in the areas of independence, stress tolerance, and assertiveness. They also scored high on optimism. Empathy and interpersonal relationships were their lowest-scoring areas for the Canadian high achievers. Although they outdistanced other lawyers (but not the general population) in empathy, they fell below both groups in interpersonal relationship skills, and the authors targeted this as an area for professional development.

Interestingly, the women in the Canadian study were asked for their advice in managing work-life balance issues, and they urged other women to love what they do, but not to expect that they could do it all. Rather, they redefined success as including success on multiple fronts, including career, home, and family, and recommended, as did women in this study, that a supportive spouse or partner was the key to success.<sup>177</sup>

Similarly, Shultz and Zedick, reviewing testing instruments to determine which most likely predicted success in the practice of law, found a positive correlation between lawyer success and dispositional optimism as measured on the Revised Life Orientation Test (“LOT-R”), which measures the degree to which an individual has an overall optimistic outlook on life.<sup>178</sup> Specifically, their research examined twenty-six effectiveness factors for lawyers, and dispositional optimism correlated with ten of these, but most highly with speaking, networking, passion, stress management, and community service. However, they did not find positive correlations between lawyer effectiveness factors and the Emotional Recognition (“ER”) test, which measures emotional intelligence using visual recognition of emotions that appear on slides of faces. They reported no significant differences in their test results based on gender or race/ethnicity.

In the study at hand, social intelligence ranked as one of the four top strengths of the high-achieving women in the sample. It should be noted that the character strength of social intelligence is different from the concept of emotional intelligence. Emotional intelligence involves using emotional infor-

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<sup>177</sup> Irene Taylor & Stephanie Willson, *Carpe Diem! Canada’s Top 25 Women Lawyers*, LEXPERT, Sep. 2003, at 68.

<sup>178</sup> Marjorie M. Shultz & Sheldon Zedick, *Predicting Lawyer Effectiveness: Broadening the Basis for Law School Admission Decisions*, 36 J. Am. B. Found. 635 (2011).



mation in reasoning, or cognitive processes, while social intelligence has to do with the ability to relate to other people through intimacy, trust, persuasion, and group work. There has been more research on the impact of emotional intelligence on daily life, including business settings, than on social intelligence, where the focus has been to distinguish it from cognitive intelligence.<sup>179</sup> Given the high levels of social intelligence exhibited by the women in this study, an area for further study might be to examine the link between social intelligence and client relationships and leadership abilities.

### 3. Evolving Nature of the Practice

Daicoff, also contacted for this paper, commented that the demographics of lawyers had changed since the 1990s, when she had determined, after reviewing forty years of empirical research on lawyers, that certain traits were typical of a “lawyer personality.” Women particularly, she said, now have had the benefit of other women as role models, and are better able to use more of their softer strengths in the practice of law.<sup>180</sup>

Daicoff, reviewing the changing face of the post-2000 legal profession, has observed a shift away from an adversarial model and toward the non-adversarial comprehensive law movement, which “requires the lawyer to be sensitive to the client’s greater good, including psychological needs, resources, goals, relationships, wellbeing, morals and values.” She attributes the rise of the comprehensive law movement to a number of factors, including an increasing number of clients who cannot afford legal services, an increase in unemployment among lawyers, and backed-up court systems, but also to the increasing number of women and minority lawyers, who desire work that is consistent with their values and concerns with relationships. Certain skills she forecasts as important in the comprehensive law movement (intrapersonal, interpersonal and dispute resolution) are consistent with the heart strengths possessed by the women in this study, and underscore the importance of heart strengths in the evolving practice of law.

#### C. *Is Strength Use Strategic?*

The women in the sample used heart strengths to navigate relationships in three primary areas: (1) building and maintaining relationships with their clients; (2) managing employees; and (3) attracting and sustaining a network of caregivers, including family, friends, partners, and spouses, who could work with them to meet family responsibilities. Kindness, gratitude and social intel-

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<sup>179</sup> Peterson & Seligman, *supra* note 34.

<sup>180</sup> Interview with Susan Daicoff, Professor, Florida Coastal School of Law (July 20, 2012).

ligence proved particularly useful in these areas, though zest also figured into attracting clients and mentors.

Nonetheless, they demonstrated sensitivity to when heart strengths used was appropriate. In the high-conflict, highly analytical area of litigation, they relied more on head than heart strengths, though nearly half who applied their top strengths to litigation used head strengths in conjunction with heart strengths. Inside the firm particularly, there was some concern that being perceived as “nice and polite” or too anxious to be liked could undercut power, so heart strengths use was controlled. Also, in the area of client collections the women mentioned a need to counterbalance kindness with persistence. The ability to shift between more analytical head strengths and heart strengths came up also as women worked to shift communication styles between lawyerly cross-examination skills at work to a more conciliatory style at home. In this regard, they appeared to have mastered or at least recognized a challenge that Seligman describes when lawyers bring a pessimistic thinking style home with them.

The counterbalancing of heart and head strengths raises the interesting question of whether successful women lawyers use their strengths strategically or simply use whatever strengths they have because they cannot help but use them. Each, asked whether their strengths resonated as being so natural they could not help but use them, answered in the affirmative. One lawyer volunteered that she did not use her strength of gratitude strategically, to achieve a particular result. I did not directly ask the question of whether strength use was strategic, and that point might be an issue for further study. However, the interviews demonstrated an awareness of the impact heart strength use could have within the firm and a need to modulate strength use to reach a desired result. My conclusion from the interviews is that while the women found their strengths easy and natural to use, they were able to self-regulate their use when they did not achieve the desired results.

#### *D. The Role of Optimism*

This study did not directly address the role of an optimistic explanatory style in the practice of law. However, interviews with several women achievers affirmed Seligman’s belief that adaptive pessimism, or prudence, has a useful role to play in the practice. Several women in the study cited the strength of prudence as a strength they used to temper zest or bravery in order to head off overzealous litigation and micromanagement. Seligman, Verkuil and Kang have noted that the caution and skepticism encompassed by prudence may be a virtue in the practice of law.<sup>181</sup>

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<sup>181</sup> Seligman, Verkuil & Kang, *supra* note 26.

At the same time, others, consistent with O'Grady's recommendations, showed a tendency to externalize rather than internalize interpersonal problems, using with a more positive explanatory style. One lawyer, for example, described her efforts to "depersonalize" the process and maintain respectful relationships with her adversaries.<sup>182</sup>

Likewise, the solution of "self-forgiveness" offered by another lawyer as the antidote to the inevitable mistakes one makes, seems consistent with an optimistic explanatory style.<sup>183</sup> So, too, was the mantra ("These things happen") that another attorney used with her daughter to distance herself from the inevitable at-home mishaps.<sup>184</sup>

In sum, the anecdotal evidence produced by this study confirms the need cited by Seligman, Verkuil and Kang for a positive explanatory style in some interpersonal aspects of the practice of law as well as in a lawyer's personal life.<sup>185</sup> It also confirms the value of balancing certain heart strengths with head strengths, such as prudence.

Seligman, Verkuil, and Kang recommended studying the effects of flexible optimism on lawyer productivity by setting up two groups of lawyers within a firm – one taught flexible optimism and the other, not.<sup>186</sup> That proposed experiment, not yet conducted at this writing, is still a worthy suggestion, particularly in light of the link found by Shultz and Zedick between lawyer success factors and dispositional optimism.<sup>187</sup> Additionally, it would seem worthwhile to query women lawyer exemplars further on the practical ways they employ flexible optimism in their practices and to test high-achieving women lawyers to detect explanatory style, using the Seligman Attributional Style Questionnaire.<sup>188</sup>

#### *E. The Role of Well-Being*

It appears both from their strengths testing and interviews that the women in the sample are likely to possess the five pillars that constitute Seligman's research-based PERMA theory of well-being. Under the PERMA theory, human flourishing rests not only on those elements that make us happy (positive emotion, meaning and engagement) but also on positive relationships and achievement for its own sake. Each element contributes to well-being, is often

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<sup>182</sup> See *supra* note 131.

<sup>183</sup> See *supra* note 111.

<sup>184</sup> See *supra* note 120.

<sup>185</sup> Seligman, Verkuil & Kang, *supra* note 26, at 43.

<sup>186</sup> *Id.*

<sup>187</sup> See Shultz & Zedick, *supra* note 179 at 620-661.

<sup>188</sup> C. Peterson et al., *The Attributional Style Questionnaire*, 6 COGNITIVE THERAPY & RES. 287 (1982).

pursued for its own sake, and can be defined and measured independently.<sup>189</sup> These women possess a preponderance of strengths that correlate to high well-being and that tend to produce the PERMA element of positive emotion. Anecdotally, they described engagement in their practices, as well as positive relationships particularly with clients and spouses, partners, friends, and other family members. All were able to point to some source of meaning in their practices, and their inclusion in the pool chosen for the Super Lawyer directories is evidence of achievement.

However, in an effort to make participation in the study less time-consuming and therefore encourage wider participation, I did not require that participants also take the Satisfaction With Life Scale (“SWLS”), which would have further confirmed the bi-directional nature of well-being and success described by Lyubormirsky, King, and Diener.<sup>190</sup> I recommend that further study of women exemplar lawyers include this testing.

#### *F. Recommendations for the Profession*

What does this study tell us about a productive path for women attorneys in the law? It provides compelling evidence that heart strengths, as well as head strengths, can have an important place in the practice of law and may predict success. It also demonstrates that achieving women lawyers with high heart strengths can use them to their advantage both personally and professionally, to build key relationships and to navigate challenges. Increasing strengths used has not only been empirically validated as a good mental health practice, but it is also a good business strategy for potentially avoiding costs such as workplace turnover or malpractice caused by alcoholism or depression and for increasing revenues through client development and retention. Based on the findings of this study, I recommend the following:

##### **1. Identify and Develop Strengths**

We know that the regular use of our top character strengths increases well-being and contributes to resilience.<sup>191</sup> In a profession where many are plagued by depression, anxiety, alcoholism, and ill health, it makes sense for lawyers to take the VIA-IS to determine their character strengths. Armed with those results, they should grant themselves permission, and their firms should encourage them, to use the strengths that can help become more resilient and successful, whatever those strengths may be.

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<sup>189</sup> Martin E. P. Seligman, *Building Resilience*, HARV. BUS. REV., Apr. 2011.

<sup>190</sup> Lyubormirsky et al., *supra* note 59.

<sup>191</sup> Karen Reivich et al., *Master Resilience Training in the U.S. Army*, 66 AM. PSYCHOL. 25, 27 (2011).

In recommending the development of personal strengths, I am aware of Peterson and Park's observation that heart strengths such as gratitude and love tend not to co-exist with head strengths, such as perseverance and self-regulation, and that individually focused strengths, such as creativity and curiosity, tend not to co-exist with other-focused strengths like teamwork and fairness.<sup>192</sup> They caution that organizations need to target those strengths they want to develop in deliberate interventions for fear of creating unintended effects on other strengths.<sup>193</sup> One might conclude from this that in an analytically based profession, heart strengths and other-focused strengths must be sacrificed wholesale in order to develop head strengths or individually focused ones. And yet, the practice of law is intrinsically diverse, with both analytical and relationship aspects. For that reason, the successful women in this sample have demonstrated that it is both possible and advantageous to use both heart and head. It makes sense to develop heart strengths where they serve us, in identifying practice areas that benefit from them, in providing leadership within the firm, and in attracting and maintaining clients. In some cases, strengths awareness may prompt a lawyer to seek a more compatible work environment. The connection between character strengths use and goal progress found by Linley makes these workplace applications especially appropriate and worthy of further study.<sup>194</sup> Particularly important for firms, lawyers, law school, and law students would be additional research that reveals the configurations of character strengths possessed by outstanding practitioners of both genders by practice area, as well as character strength configurations of rainmakers and outstanding leaders within firms.

Apart from applying strengths directly to their work, lawyers would benefit from using empirically validated character strengths exercises to increase their well-being. For example, writing down three things that went well each day and why, every night for one week has been shown to increase positive mood for six months. Using a top character strength in a different way each day for one week has been shown to have the same effect, and writing a letter of gratitude to someone who has been kind, but not properly thanked, and delivering it, has boosted positive mood for a month.<sup>195</sup> Imagining a *best possible self* and

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<sup>192</sup> See Christopher Peterson & Nansook Park, *Character Strengths in Organizations*, 27 J. ORGANIZ. BEHAV. 1149 (2006).

<sup>193</sup> *Id.*

<sup>194</sup> See Linley et al., *supra* note 62.

<sup>195</sup> Martin Seligman et al., *Positive Psychology Progress: Empirical Validation of Interventions*, 60 AM. PSYCHOL. 410, 415 (2005).

writing down that vision has also been associated with increased positive emotion.<sup>196</sup>

In recommending these exercises, I am aware of challenges that exist, particularly in a large law firm environment. Peterson and Park have observed that organizations can enable – or not – the development of particular strengths, and many lawyers work in environments where heart strengths are not encouraged.<sup>197</sup> In fact, some firm environments may openly ridicule the development of heart strengths. Individuals in such environments especially may benefit from working with a coach. A coach can encourage strengths testing, help identify aspects of personal and professional lives that might benefit from strengths development, tailor the exercises to the client's interests, and provide accountability. Sheldon and Lyubomirsky concluded that long-term benefits from positive interventions are more likely when participants put in persistent effort and the exercises are a good fit for their personality, interests, and goals.<sup>198</sup> In my own experience coaching lawyers, for example, they most embrace the “three things that went well” exercise when the client sees a clear tie between the exercise and improved performance.<sup>199</sup> That is, when it is described not simply as a mood-lifting exercise, but as one that will help identify what is working well and why, so as to applaud – and replicate – excellence.

## 2. Build Resilience, MRT-Style

Not only did the women in the study report success in using their character strengths, but also positive psychologists are employing increased use of character strengths as one of four modules to build resilience in the U.S. Army's Master Resilience Training (“MRT”) program.<sup>200</sup> Seligman has recommended that MRT can also have value in business organizations and has indicated that he “can think of no profession” that would benefit more from resilience training” than the legal profession.<sup>201</sup>

Women in this study possessed a number of the resilience qualities being built by MRT. Other lawyers would benefit from MRT's resilience-building tools that help examine cognitive thinking styles, manage emotions, and build

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<sup>196</sup> Kennon M. Sheldon & Sonja Lyubomirsky, *How to Increase and Sustain Positive Emotion: The Effects of Expressing Gratitude and Visualizing Best Possible Selves*, 1(2) J. POSITIVE PSYCHOL. 75 (2006).

<sup>197</sup> Peterson & Park, *supra* note 193, at 1152-1153.

<sup>198</sup> Sheldon & Lyubomirsky, *supra* note 197, at 73-82.

<sup>199</sup> *Id.* at 80.

<sup>200</sup> Karen Reivich et al., *Master Resilience Training in the U.S. Army*, 66 AM. PSYCHOL. 25, 27 (2011).

<sup>201</sup> Seligman, *supra* note 190.

positive relationships. As recommended by Seligman, Verkuil, and Kang, attorneys would especially benefit from training to determine where positive and negative thinking styles would best serve them in their professional and personal lives, or learning how to use flexible optimism and adaptive pessimism.<sup>202</sup> MRT uses Reivich and Shatte's *ABC Model* of examining activating events, beliefs about those events, and consequences (emotional and behavioral) to identify thinking traps and unhelpful deep iceberg beliefs.<sup>203</sup> Learning to become self-aware and to self-regulate and manage emotions are also valuable parts of MRT that can be applied to lawyers.<sup>204</sup> Women in this study demonstrated the importance of self-regulation in many areas, e.g., litigation, dealing with clients and male attorneys, and negotiating tricky relationships with spouses, partners, and children.

Finally, the women in this study have also demonstrated the effectiveness of relationship skills in the practice of law. Relationship training much like that offered in the MRT would also likely benefit other attorneys, especially those with more thinking than feeling tendencies, to navigate relationships with clients, co-workers, family, and friends more effectively. Such training ideally would include in its curriculum the MRT components of active constructive responding based on the work of Gable, Reis, Impett, and Asher, effective ways to deliver praise, based on the work of Kamins and Dweck, and a familiarity with passive, aggressive, and assertive communication styles.<sup>205</sup> In addition, attorneys could emulate the relationship-building skills demonstrated by attorneys in this sample by learning to build high-quality connections at work based on respectful engagement, task enabling, and trust, and by learning to heal the corrosive connections present in some law firms. An entry point for training in high-quality connections might be in the context of client development, in which the firm might see a more direct connection between the training and potential revenue than in workplace relationships.

In recommending that attorneys high in head strengths might also benefit from training that would involve an increased use of heart strengths, such as social intelligence, gratitude, and kindness, I am encouraged by a preliminary study by Rust, Diessner, and Reade that suggests that focusing on relative char-

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<sup>202</sup> Seligman, Verkuil & Kang, *supra* note 26, at 44.

<sup>203</sup> KAREN REIVICH AND ANDREW SHATTE, *THE RESILIENCE FACTOR: 7 KEYS TO FINDING YOUR INNER STRENGTH AND OVERCOMING LIFE'S HURDLES* (Broadway Books 2002).

<sup>204</sup> Bowling, *supra* note 65.

<sup>205</sup> Karen Reivich et al., *Master Resilience Training in the U.S. Army*, 66 AM. PSYCHOL. 25, 27 (2011).

acter weaknesses as well as strengths does not decrease and might improve life satisfaction.<sup>206</sup>

Hopefully, relationship training would enhance the ability of all attorneys in a firm to attract and maintain clients. However, attorneys with a preponderance of heart strengths are in an especially strong position to use the strategies shown by women in the sample to attract and maintain clients. For that reason, firms would be well served by including them in meetings with clients early on, encouraging them to network, develop best practices for rainmaking, and serve as mentors to other attorneys in the firm as they also engage in business development.

### 3. Incorporate Positive Psychology Coaching

The successful women attorneys I studied also universally found meaning in their practices, which motivated them to stay in a challenging profession. Reivich and Shatte recognized finding a larger meaning as an important *reaching out* application of resilience.<sup>207</sup> For attorneys struggling to find meaning, a coach trained in positive psychology principles may also be valuable to help identify intrinsic rewards beyond the ultimately less satisfying extrinsic rewards of financial success, image, and popularity that may have brought them to – or been developed in – law school. One woman in the study credited a coach with supporting her through a leap to a more intrinsically rewarding environment.

Specific to law, Tim Kasser has identified three sources of intrinsic motivation: *personal growth goals*, which reflect a personal quest for self-understanding; *affiliation goals*, reflecting connection with family and friends; and *community feeling goals*, such as social activism.<sup>208</sup> He notes that lawyers searching for meaning have a special opportunity to influence legislative agendas that enhance intrinsic motivators, such as legislation promoting time affluence or limiting marketing that undercuts well-being. On a broader scale, lawyers can serve on community boards whose missions they are aligned with or work to influence legislation of any kind that holds special meaning for them. These are all opportunities a coach might help them identify.

Biswas-Diener and Dean also suggest that a coach trained in positive psychology can help clients explore ways to engage in the new technique of *job crafting*, in which employees re-shape their job tasks, attitudes, or relationships

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<sup>206</sup> Teri Rust et al., *Strengths Only or Strengths and Relative Weaknesses? A Preliminary Study*, 143 J. PSYCHOL. 465 (2009).

<sup>207</sup> REIVICH & SHATTE, *supra* note 204.

<sup>208</sup> TIM KASSER, PSYCHOLOGY AND CONSUMER CULTURE: THE STRUGGLE FOR A GOOD LIFE IN A MATERIALISTIC WORLD (Am. Psychological Ass'n. 2005)



in order to make them more meaningful.<sup>209</sup> I recognize that *task crafting*, which involves redesigning a job based on an employee's motives, strengths, and passions, might draw resistance from firms accustomed to more rigid, traditional work processes. Amy Wrzesniewski indicated after her course lecture to the MAPP class at the University of Pennsylvania that she was aware of no law firm that had attempted that process.<sup>210</sup> Other job crafting approaches include *relational crafting*, or changing the way employees collaborate with each other, and *cognitive crafting*, or changing the way employees think about their jobs or relationships with co-workers. Relational crafting and cognitive crafting might be particularly effective in meaning-making in law firms since the employee is in control to some extent of creating collaborative relationships with others and certainly in control of her own perceptions.

One might argue that the stereotypical lawyer personality would be skeptical of, and therefore resistant to, coaching. That certainly may be true for some; however, coaching based on research-based positive psychology principles may provide an effective counter to lawyer skepticism, particularly for lawyers seeking more satisfaction and success in the practice.

## VI. CONCLUSION

This study suggests that contrary to previous studies showing that women lawyers as a whole are thinkers instead of feelers; successful women lawyers use a predominance of heart strengths strategically, either alone or in conjunction with more analytical head strengths to flourish in the practice of law. In this study, high achievers used heart strengths especially to navigate personal and professional relationships. At work, they used them in management roles, to foster positive relationships with clients, and at times to find meaning in particular practice areas. At home, they used their heart strengths to cultivate networks of friends, family, and nannies to care for family members. For lawyers and firms open to using a full panoply of strengths, there can be rich dividends in terms of increased professional success and personal well-being.

Based on this study, including anecdotal evidence provided by the successful women interviewed, I recommend that lawyers: (1) identify and develop their character strengths; (2) participate in resilience training, including training in cognitive thinking styles and relationship-building; and (3) receive coaching based on empirically validated positive psychology principles. I also recommend that women high in heart strengths serve as in-firm mentors in the area of business development.

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<sup>209</sup> ROBERT BISWAS-DIENER & BEN DEAN, POSITIVE PSYCHOLOGY COACHING: PUTTING THE SCIENCE OF HAPPINESS TO WORK FOR YOUR CLIENTS (John Wiley & Sons 2007).

<sup>210</sup> Interview with A. Wrzesniewski (February 4, 2012).

Also based on this study, I recommend further research in the following areas: (1) character strengths used by successful male lawyers; (2) a possible correlation between character strengths and success in particular practice areas; (3) a possible correlation between professional success as determined by the Super Lawyers rating service and the designee's Satisfaction With Life Scale (SWLS) score; and (4) a possible correlation between the character strength of social intelligence and law firm leadership and business development.

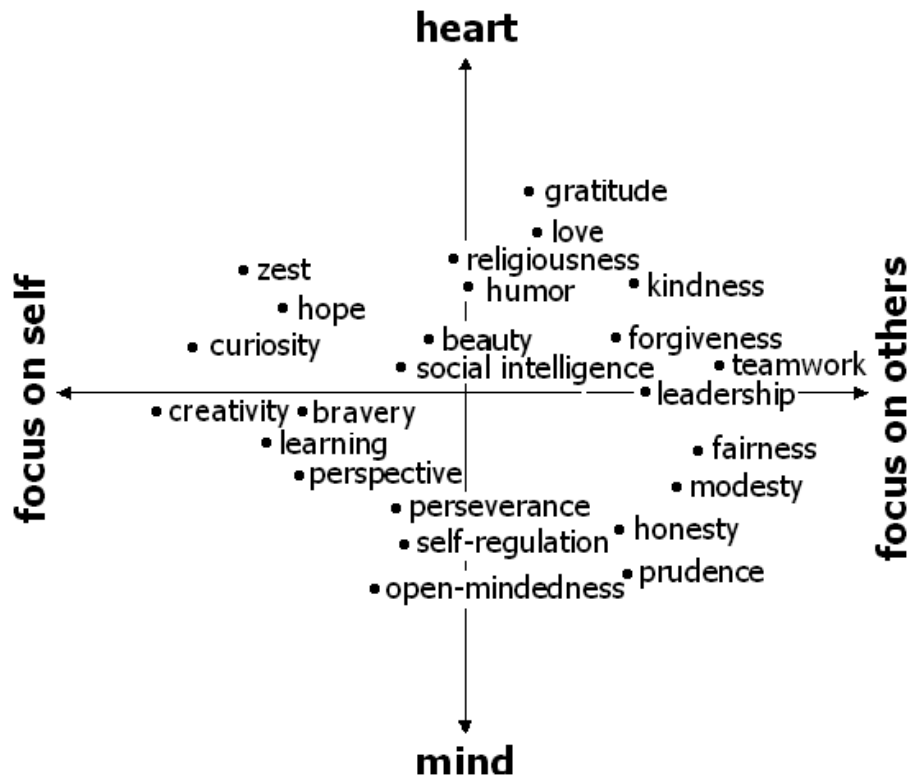
## APPENDIX A

Table A-1: Character Strengths and Virtues

<b>VIRTUES</b>	<b>CHARACTER STRENGTHS</b>
Wisdom and Knowledge	Creativity, Curiosity, Open-mindedness, Love of Learning, Perspective
Courage	Bravery, Persistence, Integrity, Vitality
Humanity	Love, Kindness, Social Integrity
Justice	Citizenship, Fairness, Leadership
Temperance	Forgiveness and Mercy, Humility/Modesty, Prudence, Self-Regulation
Transcendence	Appreciation for beauty and excellence, Gratitude, Hope, Humor, Spirituality

## APPENDIX B

Peterson's (2006, p. 158) Representation of Tradeoffs Among Character Strengths



## APPENDIX C

Table C-1: Attorney Strengths, Rankings, Frequency

DESIGNATION	STRENGTHS	PERCENTILE RANK BY OCCU- PATION GROUP	FREQUENCY OF USE PER TEST <sup>211</sup>
Attorney No. 1	Kindness	100	Always
	Gratitude	100	Always
	Social Intelligence	99	Always
	Creativity	97	Always
	Fairness	94	Always
Attorney No. 2	Zest	100	Always
	Kindness	100	Always
	Gratitude	100	Always
	Humor	100	Always
	Humility	99	Always
	Self-Regulation	99	Always
	Social Intelligence	99	Always
	Hope	99	Always
Attorney No. 3	Self-Regulation	91	Usually
	Forgiveness	87	Usually
	Prudence	85	Usually
	Humility	83	Usually
	Bravery	83	Usually
Attorney No. 4	Gratitude‡	100	Always
	Leadership	97	Always
	Zest	85	Always
	Prudence	85	Always
	Bravery	83	Always
Attorney No. 5	Love of learning	100	Always
	Gratitude	100	Always
	Curiosity	99	Always
	Open-Mindedness	99	Always
	Hope	99	Always
Attorney No. 6	Gratitude	100	Always
	Kindness	100	Always
	Self-Regulation	99	Always
	Social Intelligence	99	Always
	Persistence	99	Always
	Perspective	99	Always
	Open-Mindedness	99	Always

<sup>211</sup> Test-takers are asked to rate their use of a described strength as Not applicable, Never/rarely, Occasionally, Half the time, Usually, or Always

Table C-1: Attorney Strengths, Rankings, Frequency (continued)

DESIGNATION	STRENGTHS	PERCENTILE RANK BY OCCU- PATION GROUP	FREQUENCY OF USE PER TEST
Attorney No. 7	Gratitude	100	Always
	Integrity	98	Always
	Citizenship	97	Always
	Self-Regulation	91	Usually
	Forgiveness	87	Usually
Attorney No. 8	Zest	85	Usually
	Prudence	85	Usually
	Spirituality	85	Usually
	Kindness	82	Usually
	Social Intelligence	82	Usually
Attorney No. 9	Self-Regulation	91	Usually
	Forgiveness	87	Usually
	Hope	86	Usually
	Zest	85	Usually
	Prudence	85	Usually
Attorney No. 10	Gratitude	100	Always
	Learning	100	Always
	Open-Minded	99	Always
	Persistence	99	Always
	Humility	99	Always
Attorney No. 11	Integrity	98	Always
	Hope	86	Usually
	Zest	85	Usually
	Bravery	83	Usually
	Humility	83	Usually
Attorney No. 12	Love	100	Always
	Beauty/Excellence	99	Always
	Social Intelligence	99	Always
	Citizenship	97	Always
	Bravery	93	Always
Attorney No. 13	Love	100	Always
	Gratitude	100	Always
	Humor	100	Always
	Social Intelligence	99	Always
	Persistence	99	Always
	Perspective	99	Always

Table C-1: Attorney Strengths, Rankings, Frequency (continued)

DESIGNATION	STRENGTHS	PERCENTILE RANK BY OCCU- PATION GROUP	FREQUENCY OF USE PER TEST
Attorney No. 14	Forgiveness	87	Usually
	Hope	86	Usually
	Bravery	83	Usually
	Kindness	82	Usually
	Social Intelligence	82	Usually
Attorney No. 15	Love	100	Always
	Kindness	100	Always
	Gratitude	100	Always
	Persistence	99	Always
	Beauty/Excellence	99	Always
Attorney No. 16	Love	100	Always
	Kindness	100	Always
	Gratitude	100	Always
	Beauty/Excellence	99	Always
	Open-Minded	99	Always
Attorney No. 17	Integrity	98	Always
	Zest	85	Usually
	Prudence	85	Usually
	Love	79	Usually
	Creativity	78	Usually

Table C-2: Attorney Top Strengths

<b>Character Strength</b>	<b>Heart</b>	<b>Head</b>	<b>Top Cluster<sup>212</sup></b>	<b>Attorney Source</b>	<b>Nature</b>
Gratitude	others		10	1,2,4,5,6,7,10,13,15,16	Heart other
Kindness	others		8	1,2,5,6,8,14,15,16	Heart others
Social Intelligence	self		7	1,2,6,8,12,13,14	Heart self
Zest	self		6	2,4,6,9,11,17	Heart self
Bravery		self	5	3,8,11,12,14	Head self
Forgiveness	others		5	1,3,7,9,14	Heart other
Hope	self		5	2,5,9,11,14	Heart self
Love	others		5	12,13,15,16,17	Heart others
Prudence		others	5	3,4,8,9,17	Head others
Self-control		self	5	2,3,6,7,9	Head self
Open-mindedness		self	4	5,6,10,16	Head self
Beauty/Excell	self		3	12,15,16	Heart self
Humility		others	3	2,4,11	Head others
Integrity		others	3	7,11,17	Head others
Persistence		self	3	6,13,15	Head self
Citizenship	others		2	7,12	Heart others
Creativity		self	2	1,17	Head self
Humor	others		2	2,13	Heart others
Love of learning		self	2	5, 10	Head self
Perspective		self	2	6,13	Head self
Curiosity	self		1	5	Heart self
Fairness		others	1	1	Head others
Leadership	others	others	1	4	Head/heart others
Spirituality	self		1	8	Heart self

<sup>212</sup> This represents the number of times each strength appeared among attorneys' top strengths, based on percentile rankings of their top five strengths. When several strengths shared the same percentile ranking, more than five strengths (up to seven) were considered to be in the top cluster of an attorney's strengths



## APPENDIX D

Table D-1: Descriptions and Related BST Questions for Top Character Strengths

Character Strength	Description	Brief Strengths Test Question
Gratitude	Thankfulness in response to receiving a gift from another person or higher power. Characterized by joy, goodwill and an inclination to act accordingly (Peterson & Seligman, 2004).	Think of actual situations in which someone else helped or benefited you. How frequently did you show GRATITUDE or THANKFULNESS?
Kindness	Associated terms showing an orientation toward others, are <i>generosity, nurturance, care, compassion, and altruistic love</i> (Peterson & Seligman, 2004).	Think of your everyday life. How frequently did you show KINDNESS or GENEROSITY to others when it was possible to do so?
Social intelligence	Refers to the ability to relate emotionally to others and understand the meanings of those emotions (Peterson & Seligman, 2004).	Think of actual situations in which the motives of other people needed to be understood and responded to. How frequently did you show SOCIAL INTELLIGENCE or SOCIAL SKILLS in these situations?
Zest	A state of vitality, characterized by positive energy, enthusiasm, and vigor, both physically and psychologically (Peterson & Seligman, 2004).	Think of your everyday life. How frequently did you show ZEST or ENTHUSIASM when it was possible to do so?
Bravery	Also described as <i>courage</i> and <i>valor</i> , this strength suggests undertaking danger for a good end after reasonably assessing risks (Peterson & Seligman, 2004).	Think of actual situations in which you experienced fear or threat. How frequently did you show BRAVERY or COURAGE in these situations?
Forgiveness	Involves change toward positive emotion that occurs when mercy is shown to someone who has damaged a relationship (Peterson & Seligman, 2004).	Think of actual situations in which you had been hurt by someone else. How frequently did you show FORGIVENESS or MERCY in these situations?

Hope	Also described as optimism, future-mindedness and future orientation, this strength entails a “cognitive, emotional, and motivational stance toward the future” (Peterson & Seligman, 2004, p. 570).	Think of actual situations in which you experienced failure or a setback. How frequently did you show HOPE or OPTIMISM in these situations?
Love	This “cognitive, emotional and behavioral stance toward others” can be manifested toward our caregivers, those who receive care from us, or in romantic relationships (Peterson & Seligman, 2004, p. 304).	Think of your everyday life. How frequently did you express your LOVE or ATTACHMENT to others (friends, family members) when it was possible to do so?
Prudence	This “cognitive orientation to the personal future” involves self-management and adherence to long-term goals (Peterson & Seligman, 2004, p. 478).	Think of actual situations in which you were tempted to do something that you might later regret. How frequently did you show PRUDENCE, DISCRETION, or CAUTION in these situations?
Self-Regulation	Also sometimes called <i>self-control</i> , this strength entails the ability to control responses so that an individual can live up to external or internalized standards or pursue goals (Peterson & Seligman, 2004).	Think of actual situations in which you experienced wishes, desires, impulses, or emotions that you wished to control. How frequently did you show SELF-CONTROL or SELF-REGULATION in these situations?