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Designing a Positive Psychology Course for Lawyers

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ABSTRACT

Legal education is slowly beginning to include not only education in critical thinking and legal knowledge, but also education in complementary qualities of personal conduct and early professional formation. Positive psychology, with its emphasis on the evidence-based study of how people can thrive, not just be treated for mental illness or emotional difficulty, can aid these additional educational objectives. This Article examines some of the ongoing pedagogical choices involved in creating a law school course on positive psychology oriented around experiential student learning. Highlighted are a few key insights from the field, including resilience, character strengths, positive values, and enhanced relationships with other people. While only an introduction, this course is designed to help law students become sufficiently grounded in these insights and others from positive psychology to continue their education after law school. Because the course is experimental, the hope is that it will lay the foundation for initiatives by other law professors to make the application of positive psychology more broadly available to law students in general.¹

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1. This Article is an updated version of a capstone project submitted in partial fulfillment of the requirements for the MAPP degree at the University of Pennsylvania in 2016. In 2017 and 2018, with the support of Suffolk University Law School, as well as a grant from the alumni of the MAPP program in 2017,

I. INTRODUCTION

As the abstract of this Article indicates, the process of educating lawyers to be successful and contributing members of their profession and communities continues to evolve. This Article explores some of the issues involved in bringing to law students—in a way that they can experience, and not just study—some of the insights from the relatively new field of positive psychology to help them better succeed as lawyers. This Article, therefore, goes into some detail about the substance and procedure of the course, though all of it cannot be covered in a short article. To help law professors elsewhere, however, appendices of a simplified course calendar, as well as journal instructions used in the course, are included in the hope that these materials might be useful to other professors interested in exploring how they can help the students they teach. Therefore, legal educators have a license to use any of the course material presented here with three requests: please cite your source, let me know how it worked with your students, and perhaps suggest these ideas to others who might find them worthwhile.

II. BACKGROUND

Having been a law professor for almost forty-five years, I take pride when I see lawyers serve the interests of justice and the rule of law, including public service.² In these roles, which can include the highest office in the land, we hope lawyers conduct themselves more like President and lawyer Abraham Lincoln, who saved the Union and freed the slaves, than like President and lawyer Richard Nixon, who had to resign from the presidency in the aftermath of the Watergate scandal, during which so many lawyers on his staff were also involved.³ Indeed, as Professor Robert Cochran has written: “It may be that the problem in the legal profession is not too little attention to rules, but too little attention to character.”⁴

the author convened conferences at Suffolk University on integrating positive psychology into legal education. He welcomes inquiries and help in that objective.

2. The author has been elected to eighteen two-year terms as a member of the City Council of Newton, Massachusetts.

3. See Carroll Kilpatrick, *Nixon Resigns*, WASH. POST (Aug. 9, 1974), <http://www.washingtonpost.com/wp-srv/national/longterm/watergate/articles/080974-3.htm> [<https://perma.cc/Z3KW-JTAJ>] (reviewing President Nixon’s resignation); Mark Curriden, *The Lawyers of Watergate: How a ‘3rd-Rate Burglary’ Provoked New Standards for Lawyer Ethics*, ABA J. (June 2012), http://www.abajournal.com/magazine/article/the_lawyers_of_watergate_how_a_3rd-rate_burglary_provoked_new_standards/ [<https://perma.cc/VLL4-F47X>] (outlining lawyers’ involvement in Watergate).

4. Robert F. Cochran, Jr., *Lawyers and Virtues: A Review Essay of Mary Ann Glendon’s A Nation Under Lawyers: How the Crisis in the Legal Profession is Transforming American Society and Anthony T. Kronman’s The Lost Lawyer: Failing Ideals of the Legal Profession*, 71 NOTRE DAME L. REV. 707, 707 (1996).

About a decade ago, the Carnegie Foundation commissioned a study on the instruction undertaken in several learned professions, including law and medicine.⁵ The study's authors concluded that legal education includes three apprenticeships of decreasing success: learning to *think* like a lawyer (reasoned analysis), *act* like a lawyer (argue a position and draft a document), and *be* a lawyer in the sense of strong professional identity.⁶ In the words of former Carnegie President Lee Shulman, "the most overlooked aspect of professional preparation was the formation of a professional identity with a moral core of service and responsibility around which the habits of mind and practice could be organized."⁷

What this means for legal education is that law schools have two dimensions of educational outcomes to fulfill: knowledge of the law and the capacity to use that knowledge to advise and advocate for clients, and the complementary human attributes, including character, required for success beyond this basic technical competency. My belief is that these objectives, particularly the second dimension, can be enhanced by helping law students learn relevant insights from the relatively new field of positive psychology—the evidence-based study of how people can thrive, not just the study of how to help people with mental illness or emotional difficulty.

To test this belief, in the fall semesters of 2016 and 2017, I taught a new two-credit course at Suffolk University Law School called Positive Psychology for Lawyers. Although the course is still evolving, this Article provides background on how it has been designed thus far, and the rationale behind the course.⁸ The course's objective, as outlined in more detail below, is to help law students succeed—both currently and in their future professional roles—by thinking and doing things differently than they did in the past. Since the course is experimental, it is offered in a small seminar format, with limited enrollment to facilitate class participation.

This Article examines how these students may enhance their chances of succeeding in law school, achieving excellence in practice, thriving in their personal and professional lives, and being resilient in the face of the legal profession's inherent challenges. Because teaching positive psychology in law school is relatively new, this Article will focus on key elements of the course

5. See WILLIAM M. SULLIVAN ET AL., EDUCATING LAWYERS: PREPARATION FOR THE PROFESSION OF LAW 175 (2007) (comparing medical education with clinics to conventional legal education).

6. See *id.* at 14-15 (highlighting legal analysis, practical skills, and professional identity).

7. Neil Hamilton & Verna Monson, *Answering the Skeptics on Fostering Ethical Professional Formation (Professionalism)*, 20 PROF. LAW., no. 4, 2011, at 3, 3 (quoting Lee Shulman, *Foreword* to MOLLY COOK ET AL., EDUCATING PHYSICIANS: A CALL FOR REFORM OF MEDICAL SCHOOL AND RESIDENCY, at v (2010)).

8. As with any new course, it is an experiment, so law professors who read this Article and the accompanying appendices about the specifics of the course are welcome to offer suggestions for improvements to the author directly at lbaker@suffolk.edu.

that may be of most interest, with the understanding that while the course will continue to develop and be refined, it is still useful to explore its current pedagogy and content. While this Article stands on its own, I hope that it will become part of a larger body of work enabling law professors at other schools to approach this topic with more confidence, even without having had the benefit of a formal degree in applied positive psychology, as I have been fortunate to earn.⁹

Before getting underway, however, it is important to set the stage for the challenges involved in this course design. What goes on in the first year of law school is like boot camp, in that it is designed to prepare students for the rigors of life as a legal professional. It is also designed to help them learn critical thinking and legal analysis. Moreover, as explored below, law school can sometimes be distressing itself. Therefore, a course in positive psychology for law students needs to explore the subject in a way that responds to their legal learning and unique law school experience. Fortunately, there are some pathfinders to learn from.¹⁰ Additionally, when thinking about how to design the course, I drew not only from my experience in the Master of Applied Positive Psychology program at the University of Pennsylvania, but also several other courses I teach: Negotiation, Law Practice Planning, and Leadership, all of which involve the use of journals because of the opportunities for personal involvement and reflection that they can provide for students.

For the course to be successful, it needs to be responsive to both the curricular needs of the law school and the world of legal practice that the students are about to enter. This means it is especially important to design the

9. An example of how such innovation can spread is the more formal study of negotiation at Harvard Law School in which Professor Roger Fisher played such a key role. The scholarship and pedagogy he set in motion has gone on to make negotiation courses a staple of almost every law school curriculum, and it would be worthwhile if the same could occur with positive psychology. The University of Pennsylvania offers a graduate program led by Dr. Martin E.P. Seligman, often acknowledged as one of the principal founders of the discipline of positive psychology. See *Master of Applied Positive Psychology*, PENN LPS, <http://www.sas.upenn.edu/lps/graduate/mapp/> [https://perma.cc/PE8S-NTYY].

10. MAPP graduate and law professor, Daniel Bowling, also teaches a course in well-being for lawyers at Duke Law School. See *Daniel Seymour Bowling III*, DUKE L., <https://law.duke.edu/fac/bowling/> [https://perma.cc/2L4C-75MD]. MAPP graduate, lawyer, and my MAPP capstone advisor, David Shearon, has taught a course in positive psychology for lawyers in Israel. Dave Shearon, *Dave Shearon's Bio*, POSITIVE PSYCHOL. NEWS (Jan. 1, 2007), <http://positivepsychologynews.com/news/dave-shearon/20070101488> [https://perma.cc/NQP2-JL6P]. These and other individuals blazed instructional trails in positive psychology for lawyers, and I want to honor their work even if I may take a somewhat different path to a similar goal. Finally, MAPP graduate, lawyer, and positive organizational psychology Ph.D. candidate, Anne Brafford, has worked in a key role as a member of the new Attorney Well-Being Committee within the Law Practice section of the American Bar Association. Rodney Dowell, *Starting the Conversation About Attorney Well-Being*, LAW PRAC. TODAY (June 14, 2016), <http://www.lawpracticetoday.org/article/starting-the-conversation-about-attorney-well-being/> [https://perma.cc/D5XZ-NBDE]. She also served as editor in chief and co-author of a National Task Force report on Lawyer Well-Being, discussed below. See *infra* note 16.

course backwards; that is, to look at the educational outcomes desired and then determine the most effective means to attain these goals. For example, the American Bar Association (ABA), which accredits law school curricula, has focused its standards on the educational outcomes of legal education rather than inputs.¹¹ Also, thanks to Professor Neil Hamilton of St. Thomas Law School and other scholars described below, more information is available about what law students want after law school and what hiring attorneys seek in new lawyers.¹² This information provides an opportunity to more closely shape the positive psychology course elements to these various desired outcomes. Therefore, before detailing the positive psychology course, it is important to look closely at the educational outcomes required by the accrediting agencies, the desires of law students, and the concerns of lawyers looking to hire graduating law students.

III. EDUCATIONAL OUTCOMES

The ABA sets the following standards for legal education:

A law school shall establish learning outcomes that shall, at a minimum, include competency in the following:

- (a) Knowledge and understanding of substantive and procedural law;
- (b) Legal analysis and reasoning, legal research, problem-solving, and written and oral communication in the legal context;
- (c) Exercise of proper professional and ethical responsibilities to clients and the legal system; and
- (d) Other professional skills needed for competent and ethical participation as a member of the legal profession.¹³

This ABA standard clarifies that “other professional skills” include: “interviewing, counseling, negotiation, fact development and analysis, trial practice, document drafting, conflict resolution, organization and management of legal work, collaboration, cultural competency, and self-evaluation.”¹⁴ In 2017, in response to the ABA standards, the faculty at Suffolk University Law School adopted a set of educational outcomes, including the following language relating to “self-evaluation.”

11. See generally ABA STANDARDS AND RULES OF PROCEDURE FOR APPROVAL OF LAW SCHOOLS 2016-2017 (2016), https://www.americanbar.org/content/dam/aba/publications/misc/legal_education/Standards/2016_2017_aba_standards_and_rules_of_procedure.authcheckdam.pdf [<https://perma.cc/JU6B-E77B>] [hereinafter ABA STANDARDS].

12. See *infra* notes 20-23 and accompanying text (describing Hamilton’s accomplishments).

13. ABA STANDARDS, *supra* note 11, § 302.

14. *Id.* § 302 interpretation 302-1.

In accordance with ABA Standard 302(d), the successful Suffolk graduate should demonstrate other professional skills needed for competent and ethical participation as a member of the legal profession. Specifically, graduates should demonstrate the ability to:

1. Develop and analyze facts.
2. Counsel clients.
3. Negotiate on behalf of clients.
4. *Engage in self-evaluation toward life-long professional development, competence, and well-being.*¹⁵

This last aspect of self-evaluation—well-being—is particularly important for shaping a course in positive psychology. For example, the ABA’s National Task Force on Lawyer Well-Being released a lengthy report recommending that “well-being” be considered an aspect of competent representation, and that law schools should be more responsible for their students’ well-being, including teaching related courses as part of the instructional program.¹⁶

In addition, Professors Marjorie Shultz and Sheldon Zedeck at the University of California Law School at Berkeley, through focus groups with its stakeholders and surveys completed by more than 2,000 of its alumni, identified twenty-six effectiveness factors the respondents said would lead them to hire an attorney.¹⁷ Some of these factors have predominantly entrepreneurial dimensions, such as “[n]etworking and [b]usiness [d]evelopment,” while other factors have importance outside of the legal

15. *Curriculum and Requirements: Learning Outcomes*, SUFFOLK U. L. SCH., <http://www.suffolk.edu/law/academics/degrees/jd/6722.php> [<https://perma.cc/PGU2-7BWE>] (emphasis added to distinguish matters involving self-evaluation from other skills).

16. See BREE BUCHANAN ET AL., NAT’L TASK FORCE ON LAWYER WELL-BEING, THE PATH TO LAWYER WELL-BEING: PRACTICAL RECOMMENDATIONS FOR POSITIVE CHANGE 39 (2017), <https://www.americanbar.org/content/dam/aba/images/abanews/ThePathToLawyerWellBeingReportFINAL.pdf> [<https://perma.cc/492J-CTXV>] [hereinafter BUCHANAN ET AL., NAT’L TASK FORCE REPORT] (making recommendations for affected stakeholders, including steps law schools should take to promote student well-being). The report suggests that well-being topics should be included as part of first-year student orientation and the Professional Responsibility course. See *id.* In addition, it states that law schools should provide courses and lecture series designed to cover well-being topics in depth. See *id.* at 39-40. An appendix to the report describes well-being topics on which law schools should focus, which are supported by empirical evidence. See *id.* at 50-57 app. B. These topics include work engagement versus burnout, stress and conflict management, resilience and optimism, mindfulness meditation, physical activity, leadership development, control and autonomy, work-life balance, meaning and purpose, and substance abuse issues. See *id.* The report also provides additional topics and includes suggested student reading materials that may be explored in a course that delves deeper into the well-being topic. See *id.* at 61-62 app. E.

17. See Marjorie M. Shultz & Sheldon Zedeck, *Predicting Lawyer Effectiveness: Broadening the Basis for Law School Admission Decisions*, 36 LAW & SOC. INQUIRY 620, 629-30 (2011).

practice environment, like “[the ability] to [s]ee the [w]orld [t]hrough the [e]yes of [o]thers.”¹⁸ Here are the twenty-six factors, which the authors did not rank:

Analysis and Reasoning
Creativity/Innovation
Problem Solving
Practical Judgment
Researching the Law
Fact Finding
Questioning and Interviewing
Influencing and Advocating
Writing
Speaking
Listening
Strategic Planning
Organizing and Managing One’s Own Work
Organizing and Managing Others (Staff/Colleagues)
Negotiation Skills
Able to See the World Through the Eyes of Others
Networking and Business Development
Providing Advice & Counsel & Building Relationships with Clients
Developing Relationships within the Legal Profession
Evaluation, Development, and Mentoring
Passion and Engagement
Diligence
Integrity/Honesty
Stress Management
Community Involvement and Service
Self-Development.¹⁹

Except for researching the law, the factors listed above are relevant to the practice of law, but not specifically derived from the study of law, such as the

18. *Id.* at 630 tbl. 1.

19. *Id.*

ability to understand the perspectives of other people, or to bring passion and engagement to their work.

Other scholars have found similar insights. For example, Professor Neil Hamilton, who has also compiled responses from corporate counsels evaluating their outside attorneys, concluded that “the central theme of these studies is that exceptional effectiveness moves beyond excellent technical competence toward excellent *relationship skills*.”²⁰ Professor Hamilton analyzed values, virtues, capacities, and skills used in hiring or evaluating law firm associates, and summarized them as focusing on integrity, communication, relationships, analytic ability, diligence, interpersonal skills, judgment, research skills, and responsiveness to feedback.²¹ He analyzed his findings in this way: “Probing the foundation of the professional competencies listed above, we can indeed see that the unstated but implicit foundation for all of them is each lawyer’s *moral core* characterized by the internalization of *deep responsibility and service to others*, particularly the client.”²² Professor Hamilton also compiled information on what his law students desire after they graduate, which includes meaningful work and an opportunity for service.²³

Finally, the Institute for the Advancement of the American Legal System (IAALS) has published a study involving 24,000 attorneys in all fifty states.²⁴ Its authors concluded:

The lawyers we surveyed . . . were clear that characteristics (such as integrity and trustworthiness, conscientiousness, and common sense), as well as professional competencies (such as listening attentively, speaking and writing, and arriving on time), were *far more important* in brand new lawyers than legal skills (such as use of dispute resolution techniques to prevent or handle

20. Neil Hamilton, *Empirical Research on the Core Competencies Needed to Practice Law: What Do Clients, New Lawyers, and Legal Employers Tell Us?*, B. EXAMINER, Sept. 2014, at 6, 8 [hereinafter Hamilton, *Empirical Research*].

21. *See id.* at 11.

22. *Id.* at 13; *see* NEIL W. HAMILTON, ROADMAP: THE LAW STUDENT’S GUIDE TO PREPARING AND IMPLEMENTING A SUCCESSFUL PLAN FOR MEANINGFUL EMPLOYMENT 10-13 (2015) [hereinafter HAMILTON, ROADMAP].

23. *See* Neil W. Hamilton, Address at the Professional Identity Conference Sponsored by the Halloran Center at University of St. Thomas Law School (July 11, 2016) [hereinafter Hamilton, Address at the Personal Identity Conference]; *see also* Neil Hamilton, *The Next Steps of a Formation-of-Student-Professional Identity Social Movement: Building Bridges Among the Three Key Stakeholders – Faculty and Staff, Students, and Legal Employers and Clients*, 13 U. ST. THOMAS L.J. (forthcoming 2018).

24. *See* ALLI GERKMAN & LOGAN CORNETT, INST. FOR THE ADVANCEMENT OF THE AM. LEGAL SYS., FOUNDATIONS FOR PRACTICE: THE WHOLE LAWYER AND THE CHARACTER QUOTIENT 1 (2016), http://iaals.du.edu/sites/default/files/reports/foundations_for_practice_whole_lawyer_character_quotient.pdf [<https://perma.cc/GP7A-XH7G>].

conflicts, drafting policies, preparing a case for trial, and conducting and defending depositions).²⁵

One of the most intriguing aspects of the IAALS study was that specific legal skills were less important for new graduates than were the foundational aspects of character needed to get started, with the understanding that the new lawyers would learn more specific practical skills over time.²⁶

These sources, with varied results, offer perspectives on the educational outcomes deemed important by accrediting agencies, law students, and practicing attorneys.²⁷ Set out below is a table of such outcomes, which have been loosely organized by topic:

Information Source	2015 sample of law student goals six months after graduation²⁸	ABA requirements and professional skills “needed for effective, ethical, and responsible participation as a member of the legal profession”²⁹	Lawyers asked what they want in their lawyers³⁰	Lawyers who hire lawyers³¹
Career	Obtaining meaningful employment	Exercise of proper professional and ethical responsibilities to clients and the legal system	Passion and engagement Creativity and innovation	

25. *Id.* at 3.

26. *See id.*

27. *See* Neil W. Hamilton & Jerome Organ, Panel Discussion at Personal Identity Conference Sponsored by the Halloran Center at University of St. Thomas Law School (July 11, 2016). The author is indebted to Professors Neil Hamilton and Jerome Organ of the University of St. Thomas Law School in Minnesota, both of whom presented much of this information at the conference.

28. *See* Hamilton, Address at the Professional Identity Conference, *supra* note 23.

29. *See* ABA STANDARDS, *supra* note 11, § 302.

30. *See* Shultz & Zedeck, *supra* note 17, at 629-32, 630 tbl. 1.

31. *See* GERKMAN & CORNETT, *supra* note 24, at 1-5; Hamilton, *Empirical Research*, *supra* note 20, at 6-8.

Law Practice Related	<p>Bar passage</p> <p>Networking</p> <p>Sufficient income to meet loan obligations and satisfactory living</p>	<p>Knowledge and understanding of substantive and procedural law</p> <p>Legal analysis and reasoning</p> <p>Legal research, problem-solving</p> <p>Written and oral communication in the legal context</p> <p>Negotiation, fact development and analysis, trial practice, document drafting</p> <p>Organization and management of legal work</p>	<p>Fact finding</p> <p>Questioning and interviewing</p> <p>Influencing and advocating</p> <p>Writing, speaking, negotiation skills</p> <p>Diligence</p>	<p>Good judgment and common sense</p> <p>Initiative, strong work ethic</p> <p>Take individual responsibility</p> <p>Seek feedback</p> <p>Conscientiousness</p> <p>Arrive on time</p> <p>Respond promptly</p> <p>Attention to detail</p>
Client Related	<p>Building reputation for trustworthiness</p>	<p>Interviewing</p> <p>Counseling</p> <p>Conflict resolution</p> <p>Collaboration</p> <p>Cultural competency</p>	<p>Able to see the world through the eyes of others</p> <p>Listening</p> <p>Providing advice & counsel</p> <p>Building relationships with</p>	<p>Trustworthiness</p> <p>Integrity</p> <p>Honoring commitments</p> <p>Strong relationship skills</p> <p>Dedication/</p>

			clients and within legal system Integrity and honesty	responsiveness to clients Strong moral compass Listening attentively Treating others with respect Exhibiting tact and diplomacy
Self Related	Work-life balance	Self-evaluation	Stress management Self-development	Emotional regulation and self-control
Community Related	Using law degree to help others outside of work		Community involvement and service	

Underlying these outcomes is a sense that to be successful, law students need to take responsibility for these varied aspects of their future legal careers while in law school, instead of waiting until graduation. Students must also conduct themselves as service-oriented professionals who view their educational experience as an opportunity to learn about how to succeed as a lawyer, and not just as a degree requirement to be fulfilled.³² Professor Hamilton quotes William Sullivan, co-director of the Carnegie Foundation for the Advancement of Teaching, who believes that the “chief formative challenge” facing higher professional education is ensuring students change from thinking like students—learning and applying routine techniques to solve problems—to accepting and internalizing responsibility for others, particularly

32. See HAMILTON, ROADMAP, *supra* note 22, at 33 (stressing importance of law students planning for their future careers). See generally R. Lisle Baker, *Planning Your Career in Law Practice*, 50 SUFFOLK U. L. REV. 1 (2016).

the client, and to foster the student's own development toward excellence as a practitioner of the profession.³³

Aside from focusing on these aspects of professional identity formation, it is also essential for a positive psychology course to recognize the potential emotional difficulties of being a lawyer. One recent study indicates that at any given time, about one-fifth of the members of the practicing bar experience problems ranging from depression and anxiety to alcoholism and substance abuse, a higher rate than physicians or other highly educated professionals.³⁴ As this study represents only a mere snapshot in time, it is possible that an even larger number of the legal profession will encounter such difficulties over time. Furthermore, it is apparent that some of this distress and dysfunction begins for some lawyers while still in law school.³⁵ This evidence is now substantial enough to require an affirmative response by legal educators.³⁶ Such information makes a positive psychology course even more important as a means of possible prevention. Because it may not be possible to predict whether a specific law student will languish or thrive after entering the practice of law, the course must focus on both opportunities and challenges; doing so not only helps students aspire for the best, but also prepares them for the worst. The objective is to use the important inflection point of law school to help set students on a positive initial course, while recognizing that even great lawyers may have times of difficulty as well as of triumph.³⁷ Even Abraham Lincoln is reported to have suffered from deep melancholy in his role as President.³⁸ The overall objective is not only to help law students succeed, but also to help them

33. See Hamilton, *Empirical Research*, *supra* note 20, at 6, 13.

34. See Patrick R. Krill et al., *The Prevalence of Substance Use and Other Mental Health Concerns Among American Attorneys*, 10 J. ADDICTION MED. 46, 46-47, 51-52 (2016) (finding high rates of alcohol abuse, depression, and anxiety among 12,825 employed attorneys surveyed).

35. See Jerome M. Organ et al., *Suffering in Silence: The Survey of Law Student Well-Being and the Reluctance of Law Students to Seek Help for Substance Use and Mental Health Concerns*, 66 J. LEGAL EDUC. 116, 144-45 (2016) (reporting results of survey of law student well-being at fifteen law schools); Todd David Peterson & Elizabeth Waters 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, 359 (2009) (noting almost half of law students experience "clinically significant levels of psychological distress"); Krystia Reed et al., *Problem Signs in Law School: Fostering Attorney Well-being Early in Professional Training*, 47 INT'L J.L. & PSYCHIATRY 148, 149 (2016) (describing increase in depression levels from first to last year of law school).

36. See BUCHANAN ET AL., NAT'L TASK FORCE REPORT, *supra* note 16, at 35-40 (listing ways law schools can help student well-being).

37. See James Duffy, *Balance and Context: Law Student Well-being and Lessons from Positive Psychology*, in PROMOTING LAW STUDENT AND LAWYER WELL-BEING IN AUSTRALIA AND BEYOND 145, 145-57 (Rachel Field et al. eds., 2016) (advocating for positive psychology use to increase well-being of law students).

38. See Joshua Wolf Shenk, *Lincoln's Great Depression*, ATLANTIC (Oct. 2005), <https://www.theatlantic.com/magazine/archive/2005/10/lincolns-great-depression/304247/> [<https://perma.cc/FRU4-SW67>] (discussing Lincoln's battle with depression throughout his presidency).

avoid, or at least mitigate, some of the difficulties that can affect both law students and lawyers.

Putting all the foregoing objectives together, law students will not only benefit from their legal training, but also from an education that will help them better serve themselves, their clients, and the communities of which they will be a part. While it is difficult to distill all the various educational outcomes outlined above, the positive psychology course focuses on three overarching educational outcomes that synthesize many of those previously outlined: opportunities for more meaningful and ethical service; improved performance and well-being; and greater resilience in the face of the profession's challenges.

IV. THE RELEVANCE OF POSITIVE PSYCHOLOGY FOR THESE OBJECTIVES

After the Second World War, the science and practice of psychology focused primarily on mental illness and human difficulty.³⁹ Dr. Martin Seligman, who once trained and conducted research in this dimension of psychology, described the moment he became aware of the value of adding a positive facet to his research.⁴⁰ Dr. Seligman and his five-year-old daughter were weeding the garden of their Pennsylvania home, when his daughter began throwing weeds in the air, dancing and singing.⁴¹ Dr. Seligman complained, and she went away; but his daughter came back to tell him that she learned to stop whining, and if she could do that, he could learn not to be a grouch.⁴² At that moment, Dr. Seligman realized that she might be right, and more importantly, he credits this moment with leading him to ask: "Can there be a psychological science about the best things in life?"⁴³ According to Dr. Seligman, this moment persuaded him that it was time for the field of psychology to renew interest in understanding and fostering the life well-lived, and that a life cured of mental illness is not the same as one where flourishing occurs.⁴⁴

Since then, the field of positive psychology has burgeoned, including a conference focused on positive psychology education on July 18-20, 2016.⁴⁵

39. Martin E. P. Seligman, Address at the University of Pennsylvania (Fall 2015); see Martin E.P. Seligman & Mihaly Csikszentmihalyi, *Positive Psychology: An Introduction*, in MIHALY CSIKSZENTMIHALYI, FLOW AND THE FOUNDATIONS OF POSITIVE PSYCHOLOGY 279, 280 (2014).

40. See MARTIN E. P. SELIGMAN, AUTHENTIC HAPPINESS: USING THE NEW POSITIVE PSYCHOLOGY TO REALIZE YOUR POTENTIAL FOR LASTING FULFILLMENT 27-28 (2002) [hereinafter SELIGMAN, AUTHENTIC HAPPINESS].

41. See *id.* at 28.

42. See *id.*

43. See *id.* at 28-29.

44. See Martin E. P. Seligman, Address at the Festival of Positive Education (July 18, 2016).

45. The conference was held in Dallas, Texas by the International Positive Education Network, with a large attendance of educators and policymakers. See *Festival of Positive Education July 2016*, AUTHENTIC HAPPINESS, <https://www.authentichappiness.sas.upenn.edu/news/festival-positive-education-july-2016> [https://

At the conference, Dr. Seligman recounted some history of positive psychology.⁴⁶ He reported that Sir Anthony Seldon, a U.K. educator, posed two questions: What do we want our children to learn in life, and what do our schools teach?⁴⁷ Dr. Seligman said the answers had almost no overlap, which is something he hoped was being corrected.⁴⁸ At the same conference, Dr. Seldon summarized the positive psychology field as looking at what is going right rather than what is going wrong.⁴⁹ Later, Dr. James Pawelski helped flesh out the meaning of positive psychology, building on his two major articles by presenting both descriptive and normative discussions of positive psychology.⁵⁰

Positive psychology is relevant for legal education not just as a response to a problem, but also as the presence of something positive; just as the absence of difficulty or disease is not the same as thriving.⁵¹ For example, a relationship may not be dysfunctional, but it may not be energizing, missing the chance to create a “high quality connection.”⁵² Indeed, in a time of increased virtual communication, for lawyers and others, face-to-face contact and civility are even more important—something research in positive psychology can help underscore.⁵³ My advisor David Shearon once argued that positive psychology—with its focus on thriving—offers a chance to help educate law students not only about the law, but also about the complementary human dimensions they will encounter as lawyers.⁵⁴

V. ELEMENTS OF COURSE DESIGN

With that background in mind, let me elaborate on how the positive psychology course focuses on specific pedagogical issues and attempts to respond to them. There are several challenges involved in making the above elements into a two-credit course, including:

perma.cc/83AQ-S9PL].

46. See Seligman, Address at the Festival of Positive Education, *supra* note 44.

47. See *id.*

48. See *id.*

49. See Anthony Seldon, Address at the Festival of Positive Education (July 19, 2016).

50. See generally James O. Pawelski, *Defining the “Positive” in Positive Psychology: Part I. A Descriptive Analysis*, 11 J. POSITIVE PSYCHOL. 339 (2016); James O. Pawelski, *Defining the ‘Positive’ in Positive Psychology: Part II. A Normative Analysis*, 11 J. POSITIVE PSYCHOL. 357 (2016).

51. See James O. Pawelski, Address at the Festival of Positive Education (July 20, 2016).

52. See Jane E. Dutton & Emily D. Heaphy, *The Power of High-Quality Connections*, in POSITIVE ORGANIZATIONAL SCHOLARSHIP: FOUNDATIONS OF A NEW DISCIPLINE 263, 263-64 (Kim S. Cameron et. al eds., 2003).

53. See John Paul Stephens et al., *Relationship Quality and Virtuousness: Emotional Carrying Capacity as a Source of Individual and Team Resilience*, 49 J. APPLIED BEHAV. SCI. 13, 31 (2013) (highlighting importance of face-to-face communications).

54. See *Welcome*, THRIVING LAW., www.thrivinglawyers.org [https://perma.cc/Q44Y-NFDE] (discussing benefits of positive psychology to help lawyers thrive).

- selecting the most useful and constructive activities for the limited time involved, including some which might serve more than one course objective at the same time;
- finding ways to productively engage students in novel course work;
- making reasonable demands on students so that the course itself models what students are encouraged to do for their well-being, while still satisfying the need for academic rigor;
- choosing the best sequence for the material presented, including sufficient time to practice certain activities over several weeks or the full semester to gain maximum value;
- considering how to measure the impacts of the course, as much of it is subjective;
- finding teaching tools that help tie the various course elements together, such as journals and presentations;
- choosing a few key positive psychology ideas and developing them over time,
- involving students in positive interactions with other people as much as possible;
- using listening, speaking, writing, and reading in active ways; and
- seeking a positive perspective as well as shaping a positive situation, recognizing that a focus on both the individual and the environment may be needed for success.

A. *Course Description*

The next challenge involved drafting an appropriate course description. The course description draws on the educational objectives articulated above, as well as the understanding gained about the purposes of positive psychology learned from the Master of Applied Positive Psychology program at the University of Pennsylvania.⁵⁵ Suffolk University Law School's course catalog describes the course in Positive Psychology for Lawyers in part as follows:

55. See *Master of Applied Positive Psychology*, *supra* note 9 (providing overview of MAPP courses and curriculum).

Positive Psychology is the scientific study of the way that people and organizations can flourish. While the study of psychology has traditionally focused on improving the human condition by identifying and relieving what is negative in life, positive psychology complements this approach with a focus on strengthening what is positive. This course will explore some applications of positive psychology to enable lawyers to enhance their opportunities for more meaningful and ethical service, improved performance and well-being, and greater resilience in the face of the challenges of the profession. Pass-fail grading will be based upon effort and participation in course activities, including journals, presentations, and a final paper.⁵⁶

B. Learning Outcomes and Relevant Positive Psychology Concepts

The objective of the course was to make it personally useful to the students, not just merely interesting, so that they thought and acted differently—or better—at the end of the course than they did at the beginning. These elements are taught through some lecturing, but primarily through reading, presentations by guests with special experience or expertise, student discussion, and by student writing. The writing principally involves reflective journal entries on the reading, and the students' experiences with various exercises or activities; a short research task relating to positive psychology; and a final summative reflective paper on how students expect to use this new information. The students also present their research and final papers to each other. Building on the foregoing discussion, below is a summary of some of the learning outcomes for the course, linked to the relevant positive psychology elements.

Why take this course?	What will you learn?	How will you learn? Here are some of the ways. You will...
Opportunities for more meaningful and ethical service	Understand and cultivate individual strengths of character, as well as courage and compassion	Prepare a positive introduction of you at your best Take a free online survey to help you understand your unique pattern of character strengths Elaborate your strength understanding with follow up inquiries of friends and family Prepare a resume of your

56. See *LAW-2999 Positive Psychology for Lawyers*, SUFFOLK U. L. SCH., <http://www.suffolk.edu/law/LawCatalog/2017/suffolk/course.cfm-CourseID=705.htm> [<https://perma.cc/6YCW-9WAN>].

		strengths in use
	Understand positive values important to you, others, and your community	<p>Prepare the eulogy you would like to have</p> <p>Examine the values that guide your actions</p> <p>Determine which of six moral frameworks matters most to you and perhaps to other people</p> <p>Write about why law school is worthwhile and the difference you hope to make after you graduate</p>
Opportunities for improved performance and well-being	Strengthen your capacity for diligent engagement and focused attention	<p>Begin a regular contemplative practice to help you learn how to concentrate</p> <p>Write helpful feedback to classmates about their presentations</p>
	Cultivate positive interpersonal relationships	<p>Give appropriate responses to good news received</p> <p>Befriend a stranger</p> <p>Appreciate an adversary</p> <p>Deliver bad news well</p> <p>Undertake contemplative practice to develop compassion</p>
	Distinguish learning from performance goals	Use failure to your advantage
	Understand how to plan effectively to achieve a goal, such as passing the	Envision a positive outcome while anticipating obstacles and finding partners to help you keep

	bar exam	committed to success
	Understand a relevant positive psychology application in depth	Work with a classmate, conduct research about a scientific article on a positive psychology topic of interest to you: see what the article cites, or what cites the article, that would be helpful to you, present the results to the class, and report the results in graphic form
Opportunities for greater resilience in the face of the challenges of the profession	Maintain work-life balance	Maintain a weekly log of time spent in various positive activities—from sleep and exercise to positive conversations—and report their impacts on you Over time, discern what activities are most helpful in keeping your balance and restoring your energy Express gratitude for the good things in your life
	Reframe adverse events so they can be less disabling	Remember how you recovered from difficult experiences Learn new techniques to avoid jumping to conclusions that do not serve you well

To put the course into a more conventional framework familiar to legal educators, here is a snapshot of the course in terms of both substance and procedure:

Substance	Procedure
Growth mindset	Positive focus—what is right and not just what is wrong
Character strengths	Presentations to help ground learning

Courage	Involving guests with special experience or expertise
Compassion	
Cognitive reframing of adversity	Practice developing positive activities, including self-care, to conduct on a regular basis recorded in a weekly Positive Activity Log
Values that inform professional formation and client service	
Positive relations with clients and other counsel	Partnerships to provide support, assist learning and aid accountability
Serving some interest greater than oneself	Journaling as way of building understanding and to provide a cumulative record for a final reflection paper with anticipated next steps

With these elements in mind, the next question to ask is: What are the best readings and how should they be used to accomplish these goals?

D. Choosing and Using Course Readings

Choosing a single course text is challenging because there are many useful books from which to choose.⁵⁷ I decided to build the course around the book *A Primer in Positive Psychology* by the late Dr. Christopher Peterson.⁵⁸ While admittedly dated in some areas, the book is well written and accessible. Dr. Peterson's text has an experiential focus that is easy to build upon, and contains sources to refer to for more information, which can be supplemented with newer works, as I have done. His book covers the basics in a warm and conversational style, evidencing why his example is still revered by those students and colleagues with whom he worked. Dr. Peterson summarized his contribution to the field as: "*Other people matter.*"⁵⁹ In framing how to understand and use this material, both as an instructor and as a student, it is important to keep Dr. Peterson's phrase in mind.

Two newer works with more updated coverage are *Positive Psychology: Theory, Research and Applications*⁶⁰ and *Positive Psychology: The Scientific*

57. See Grant J. Rich, *Teaching Tools for Positive Psychology: A Comparison of Available Textbooks*, 6 J. POSITIVE PSYCHOL. 492, 497 (2011) (recognizing wealth of resources for positive psychology instruction).

58. See generally CHRISTOPHER PETERSON, *A PRIMER IN POSITIVE PSYCHOLOGY* (2006).

59. *Id.* at 249; see Martin E. P. Seligman, Address at University of Pennsylvania (May 14, 2016).

60. See generally KATE HEFFERON & ILONA BONIWELL, *POSITIVE PSYCHOLOGY: THEORY, RESEARCH AND APPLICATIONS* (2011).

and *Practical Explorations of Human Strengths*.⁶¹ Two law-related texts are *The Happy Lawyer: Making a Good Life in the Law*⁶² and *The Good Lawyer: Seeking Quality in the Practice of Law*.⁶³ I recommend these works to law professors who are considering offering a course like mine, but I decided to go to Dr. Peterson's first for the reasons indicated above. I also assigned *The Resilience Factor: 7 Keys to Finding Your Inner Strength and Overcoming Life's Hurdles*.⁶⁴ Its framework of using your mind to help fix problems of the mind seems to resonate well with students. While I also provide articles and excerpts from other works, I assign readings in Dr. Jonathan Haidt's book on moral psychology, *The Righteous Mind: Why Good People Are Divided by Politics and Religion*.⁶⁵ This work not only explains Dr. Haidt's theory of morality, but also provides background on the psychological scientific inquiry that led him to his conclusions. I also assign all of Dr. Robert Biswas-Diener's *The Courage Quotient: How Science Can Make You Braver*.⁶⁶ Students find this reading very helpful.⁶⁷ As discussed in more detail below, I also assign readings on compassion, as both courage and compassion are important qualities for lawyers to develop.⁶⁸ Finally, I assign readings from Dr. Carol Dweck's *Mindset: The New Psychology of Success*.⁶⁹ Given the importance of having law students assume responsibility for their own professional development early in their careers, Dr. Dweck's presentation of the differences between fixed and growth mindsets is foundational for helping students understand the value of learning from their mistakes in achieving success.

Making these readings come alive for students is a major challenge in limiting a positive psychology course to two credits. In a conventional law school class, it may be important for everyone to talk about the same case or reading in order to build a foundation for a more advanced legal discussion. By contrast, the emphasis in this course is on putting knowledge to immediate use,

61. See generally C.R. SNYDER ET AL., *POSITIVE PSYCHOLOGY: THE SCIENTIFIC AND PRACTICAL EXPLORATIONS OF HUMAN STRENGTHS* (2d ed. 2011).

62. See generally NANCY LEVIT & DOUGLAS O. LINDER, *THE HAPPY LAWYER: MAKING A GOOD LIFE IN THE LAW* (2010).

63. See generally DOUGLAS O. LINDER & NANCY LEVIT, *THE GOOD LAWYER: SEEKING QUALITY IN THE PRACTICE OF LAW* (2014).

64. See generally KAREN REIVICH & ANDREW SHATTÉ, *THE RESILIENCE FACTOR: 7 KEYS TO FINDING YOUR INNER STRENGTH AND OVERCOMING LIFE'S HURDLES* (2002).

65. See generally JONATHAN HAIDT, *THE RIGHTEOUS MIND: WHY GOOD PEOPLE ARE DIVIDED BY POLITICS AND RELIGION* (2012).

66. See generally ROBERT BISWAS-DIENER, *THE COURAGE QUOTIENT: HOW SCIENCE CAN MAKE YOU BRAVER* (2012).

67. A student in the course wrote: "This book was especially useful. It provided concrete techniques to overcome fear." Memorandum from Nellie Binder, Student, Suffolk Univ. Law Sch., to R. Lisle Baker, Professor of Law, Suffolk Univ. Law Sch. (Feb. 2, 2018) (on file with author).

68. See *infra* notes 100, 102, 104 and accompanying text (referencing materials and teachings stressing importance of empathy and compassion).

69. See generally CAROL S. DWECK, *MINDSET: THE NEW PSYCHOLOGY OF SUCCESS* (2006).

tailored to each individual student. My solution has been to ask students to write weekly journal entries on the reading they found most helpful during the week's assignments, which they each report orally at the beginning of class. Not only do students retain more of what they read, they are also able to explain it to their classmates in the process, benefiting from each other's differing perspectives and understanding.

VII. KEY ELEMENTS OF THE COURSE

The course focuses on four key elements: character strengths, cognitive reframing, values, and relationships. Note that some of these elements can serve more than one goal. For example, understanding, using, and cultivating character strengths can serve multiple purposes for students, such as helping them find meaningful employment, fostering better relationships with clients, and building resilience.⁷⁰ Learning how to concentrate through contemplative practice may not only enhance the ability of students to pay attention to other people or activities, but also, because the practice requires repetition and self-observation, can enhance the students' capacities for self-regulation and self-evaluation.⁷¹ To help students learn these and other course elements experientially, I ask them to undertake a variety of activities related to them during the course, and then record the results in specific journal entries, many of which can be found in the appendices.

A. Character Strengths

In 2004, Dr. Christopher Peterson and Dr. Martin Seligman wrote a major work, *Character Strengths and Virtues: A Handbook and Classification*, which they called a "Manual of the Sanities."⁷² Doctors Peterson and Seligman elected to view virtues as simply "the core characteristics valued by moral philosophers and religious thinkers."⁷³ Their book marked an attempt to look across cultures and throughout history to determine if there was a common set of personal virtues and accompanying character strengths.⁷⁴ Doctors Seligman and Peterson came up with six paramount virtues: wisdom, courage, humanity, justice, temperance, and transcendence, which they divided into twenty-four sub categories of specific character strengths.⁷⁵ The character strengths for the different virtues are as follows:

70. See *infra* Section VII.A (discussing character strengths).

71. See *infra* Section VIII.C (discussing concentration practice to help pay attention).

72. See CHRISTOPHER PETERSON & MARTIN E. P. SELIGMAN, CHARACTER STRENGTHS AND VIRTUES: A HANDBOOK AND CLASSIFICATION 3-4 (2004).

73. *Id.* at 13.

74. See *id.*

75. See *id.* at 13, 29-30.

- Wisdom: creativity, curiosity, open-mindedness, love of learning, and perspective.
- Courage: bravery, persistence, integrity, and vitality.
- Humanity: love, kindness, and social intelligence.
- Justice: citizenship, fairness, and leadership.
- Temperance: forgiveness, humility, prudence, and self-regulation.
- Transcendence: appreciation of beauty and excellence, gratitude, hope, humor, and spirituality.⁷⁶

These twenty-four strengths are the subject of a questionnaire with 120 questions, the results of which are tabulated and available through the VIA Institute on Character (VIA).⁷⁷ Interested readers can also take a similar survey found in a chapter of one of Dr. Seligman's books, where he describes the twenty-four strengths in detail, and answers the simple questions he poses at the end of each description.⁷⁸

Dr. Seligman argues that it is the exercise of these signature strengths that enables us to achieve gratifying experiences.⁷⁹ While not dismissing pleasurable activities, he points to activities we find absorbing and worthwhile because they take advantage of our best selves: “[W]hat I call gratification, is part and parcel of right action. . . . It can only be had by activity consonant with noble purpose.”⁸⁰

Doctor Margaret Kern and Professor Daniel Bowling examined these character strengths in the context of law students' academic performance.⁸¹ They used samples of the entering classes at two law schools, American University and Emory University, and compared these students against samples of U.S. lawyers and several other groups, including a sample of over 80,000 participants.⁸² For samples of law students from both schools, “four of the top

76. See PETERSON & SELIGMAN, *supra* note 72, at 29-30.

77. See *The VIA Survey*, VIA INST. ON CHARACTER, <http://www.viacharacter.org> [<https://perma.cc/2P8Y-K4CF>]. The VIA website has many resources and contains significant research on character strengths. *Id.*

78. SELIGMAN, *AUTHENTIC HAPPINESS*, *supra* note 40, at 140-60.

79. See *id.* at 161.

80. See *id.* at 112.

81. See Margaret L. Kern & Daniel S. Bowling III, *Character Strengths and Academic Performance in Law Students*, 55 J. RES. PERSONALITY 25, 25 (2015).

82. See *id.* at 26.

five strengths were judgment, curiosity, love of learning, and fairness.”⁸³ The study also found that “[j]udgment, curiosity, fairness, and love of learning were [also] among the lawyers’ top strengths,” and it was the same for the much larger U.S. sample as well.⁸⁴ For both law students and lawyers, spirituality was the lowest strength.⁸⁵

Professor Todd Peterson and his daughter, Elizabeth Peterson, conducted a similar study of students at George Washington Law School “to examine the use of personal strengths as a possible component of a plan to relieve law student distress.”⁸⁶ They found results indicating that “students who use their strengths on a regular basis report higher satisfaction with life and lower levels of stress and depression.”⁸⁷ The authors were careful to caution that the data showed only correlation, not causation, but noted that prior research demonstrated that a focus on strengths in the general population improves life satisfaction and lowers depression.⁸⁸ They concluded it was worth pursuing the theory that a strengths-based focus in law school might be able to buffer against psychological distress.⁸⁹ Existing research indicates that, at least in the case of therapy, focusing on strengths individuals already possess—instead of personal deficiencies—yields greater success.⁹⁰

Therefore, part of the course’s work is to help students understand their character strengths and how to use them more consciously. I introduce the students to their strengths first by asking them to tell a story about themselves at their best. At the same time, I ask a fellow student to identify positive attributes they hear in the story. After they have developed a sense of their own positive qualities, and after the appreciative inquiry that helps elicit these traits from the facts—like lawyers do when developing a theory of the case—I ask the students to take the VIA character strength survey and explore their strengths in greater detail within a journal entry. The VIA survey is designed to be self-reporting, so I also ask students to inquire about their character strengths from friends and family who know them well.

Focusing on the character strengths that help define us is important for another reason: It looks at what is going right for someone rather than what is

83. *Id.*

84. *Id.*

85. See Kern & Bowling III, *supra* note 81, at 26.

86. Peterson & Peterson, *supra* note 35, at 408.

87. *Id.* at 411.

88. See *id.* at 413-14 (noting other studies suggest causation between strength-based focus and low psychological distress).

89. See *id.* at 364. One of my students in the 2016 course wrote: “Giving a name to my strengths helped me reinforce them when I felt stuck. Even now, if I feel like I can’t do something, I remember [my top strengths] and I can follow through.” Memorandum from Alexandra Muskat, Student, Suffolk Univ. Law Sch., to R. Lisle Baker, Professor of Law, Suffolk Univ. Law Sch. (Mar. 7, 2017) (on file with author).

90. See Martin E. P. Seligman et al., *Positive Psychotherapy*, 61 AM. PSYCHOLOGIST 774, 784 (2006).

going wrong, which is an important aspect of positive psychology. This focus provides an important opportunity for students to balance their more critical self-perspective. For example, before law school, if students relied on their dominant hands to sign their names, would they invest time in learning how to sign with their non-dominant hands? But in law school, so much emphasis occurs on what is not working that my students almost always seek to examine those strengths that are not at the top of their list and ask what they can do to improve them. This is an understandable reaction, and one that I experienced as well. Therefore, it is important to point out that these are not as much weaknesses as they are lesser strengths they have not used. But even so, students want to know: Are these character strengths personal traits, like eye color, which cannot change. Or are they strengths that can be modified, and even cultivated?

Initially, Dr. Peterson and Dr. Seligman indicated that character strengths are more trait-like.⁹¹ In a later work, however, Dr. Seligman argued that these strengths can be developed:

Strengths, such as integrity, valor, originality, and kindness, are not the same things as talents, such as perfect pitch . . . [which] are relatively automatic (you know that it is a C sharp), whereas strengths are usually more volunt[ary] (telling the cashier that he undercharged you by fifty dollars takes an act of will).⁹²

Assuming character strengths can be developed, are there particular character strengths worth cultivating for law students? While not directly conforming to the Peterson and Seligman classification of character strengths and virtues, two attributes specifically come to mind: courage and compassion. These attributes are closely allied to bravery and kindness in the twenty-four strengths described above.⁹³

91. See PETERSON & SELIGMAN, *supra* note 72, at 10.

92. SELIGMAN, *AUTHENTIC HAPPINESS*, *supra* note 40, at 134-35; see Robert Biswas-Diener et al., *A Dynamic Approach to Psychological Strength Development and Intervention*, 6 J. POSITIVE PSYCHOL. 106, 110-11 (2011) (positing personal strengths possibly developed through “proficiency, frequency, and regulation” of use); VIA *Video Resources: A Character Strengths Revolution*, VIA INST. ON CHARACTER, <http://www.viacharacter.org/www/Reports-Courses-Resources/Resources/Video-Resources/A-Character-Strengths-Revolution-> [<https://perma.cc/JS2N-U8WV>] (highlighting person who consciously undertook developing lesser strength of humor with apparent success). Evidence indicates that circumstances can call forth strengths that might not have been obvious initially, such as the responses of some people to the Boston Marathon bombing’s traumatic events. See Kevin Cullen, *Choosing to Focus on the Heroes, Not the Tsarnaevs*, BOS. GLOBE (May 16, 2015), <https://www.bostonglobe.com/news/nation/2015/05/16/choosing-focus-boston-marathon-heroes/g0fA1w58iajb4U0XFGvREL/story.html> [<https://perma.cc/H9PE-5X8R>] (detailing heroic responses to Boston Marathon bombing).

93. See *supra* note 76 and accompanying text (delineating character strengths and virtues).

Bravery is important for lawyers who may need to be willing to sail against the popular wind in the interest of justice, even at their own risk, such as those heroic outliers who ran toward, rather than away from, the Boston Marathon bombing.⁹⁴ Also, recent research indicates that character strengths, particularly bravery, can be important for resilience, another goal of the course.⁹⁵ But how can courage be cultivated?

Psychologist Robert Biswas-Diener has written that courage is a combination of two aspects: fear and willingness to act.⁹⁶ He distinguishes courage in the face of physical danger from courage in the face of a private fear, such as speaking in public.⁹⁷ Both can be remedied by diminishing the fear, increasing the willingness to act, or both.⁹⁸ Because Dr. Biswas-Diener outlines these aspects in detail, I have assigned a series of journal entries that draw on his book as part of the course.⁹⁹

While we would like our lawyers to be courageous, and willing to stand up for us, we also want them to care for us. This aspect of character is important to distinguish from the professional duty of loyalty and service we expect from our attorneys. This aspect focuses more on compassion, an aspect of behavior similar, but not identical, to empathy, though it is important as well.¹⁰⁰ Empathy is the human capacity to share the feelings of another.¹⁰¹ It is different from compassion, which is the capacity to care for the welfare of someone else. Specifically, compassion is “a profound awareness of the other’s suffering, coupled with a desire to relieve it and do something for the other’s benefit. Compassion, then, implies a warm, sincere feeling of concern, but does not require that one feel the other’s suffering, as in the case of

94. See Cullen, *supra* note 92 (detailing many courageous acts during Boston Marathon bombing).

95. See Maria Luisa Martinez-Marti & Willibald Ruch, *Character Strengths Predict Resilience Over and Above Positive Affect, Self-Efficacy, Optimism, Social Support, Self-Esteem, and Life Satisfaction*, 12 J. POSITIVE PSYCHOLOGY 110, 110 (2017) (predicting resiliency through study of character strengths).

96. See BISWAS-DIENER, *supra* note 66, at 10-11 (describing courage quotient).

97. See *id.* at 10 (describing difference between externalities and internalities).

98. See *id.* at 11.

99. See *infra* Appendix D. A student in my 2017 course wrote in her final paper:

Before this class, I had not once raised my hand to answer a question, even if I knew the answer, just because I was afraid of being wrong. After reading this book, I have raised my hand countless amounts of time. I have stopped letting fear paralyze me from accomplishing my goals, and it is a great feeling.

Taylor Russo, Final Paper (Dec. 2017) (on file with author).

100. Tania Singer & Olga M. Klimecki, *Empathy and Compassion*, 24 CURRENT BIOLOGY 875, 875 (2014) (describing empathy to feel *with* someone and compassion to feel *for* someone).

101. See *id.*; see also HAIDT, *supra* note 65, at 136; Simon Baron-Cohen, *The Extreme Male Brain Theory of Autism*, 6 TRENDS COGNITIVE SCI. 248, 248 (2002) (equating empathy with “drive to identify another[’s] emotions and thoughts, and . . . respond . . . with appropriate emotion”).

empathy.”¹⁰² Feeling compassion apparently activates different parts of the brain than feeling empathy.¹⁰³ Moreover, while empathy can lead to empathetic distress, sometimes called compassion fatigue, compassion training is supposedly able to aid resilience and avoid such difficulty.¹⁰⁴

It is also important, however, for lawyers to be able to appreciate the perspectives of those with whom they may disagree or oppose. I assign the work of Boston College Professor John Makransky as reading to aid students in developing this capacity.¹⁰⁵ I ask students to prepare journal entries about befriending a stranger and appreciating an adversary.¹⁰⁶ I complement these readings and journal entries with a contemplative practice of what is sometimes called “loving-kindness meditation,” where goodwill is extended from those we naturally care for, like family and friends, to others outside of our natural “circle of concern.”¹⁰⁷ Positive psychologist Dr. Barbara Fredrickson has made extensive use of this practice in her work on cultivating positive emotions.¹⁰⁸ Research shows that, when compared to a control group, “loving-kindness meditation” helps generate positive emotions, indicating that positive emotions, positive social connections, and physical health influence one another in a self-sustaining upward spiral.¹⁰⁹ My hope is that understanding and practicing

102. MATTHIEU RICARD, ALTRUISM: THE POWER OF COMPASSION TO CHANGE YOURSELF AND THE WORLD 53 (2015).

103. Singer & Klimecki, *supra* note 100, at 877 (highlighting differences between brain activities).

104. See Olga M. Klimecki et al., *Differential Pattern of Functional Brain Plasticity After Compassion and Empathy Training*, 9 SOC. COGNITIVE & AFFECTIVE NEUROSCIENCE 873, 878 (2014) (concluding compassion training may “represent . . . very potent strategy for preventing burnout” associated with practicing empathy).

105. See generally John Makransky, *Confronting the “Sins” Out of Love for the “Sinner”: Fierce Compassion as a Force for Social Change*, 36 BUDDHIST-CHRISTIAN STUD. 87 (2016); Jonathan Makransky, *Bringing Honest Self-Reflection into Our Practice*, COURAGE CARE: BLOG (Sept. 7, 2016), <http://courageofcare.org/uncategorized/bringing-honest-self-reflection-into-our-practice/> [https://perma.cc/7YGC-76FW].

106. A student in my fall 2017 course wrote in her final paper: “As I mentioned in class, I once walked into a store and struck up a conversation with the cashier, who ultimately became a good friend of mine by the end of the conversation. We still make an effort to see each other.” Leah Kofos, Final Paper (Dec. 2017) (on file with author). Another student in the fall 2017 course wrote: “For example, this semester I am working with a challenging opposing counsel. Instead of treating her with anger in response to her hostility, I treat her with compassion and kill her with kindness. This is more effective with court staff and, in turn, more advantageous for my client.” Morgayne Mulkern, Final Paper (Dec. 2017) (on file with author).

107. See Richard Weissbourd, Lecture at the Harvard Medical School’s Continuing Medical Education: Positive Psychotherapy: Fostering Resilience and Well-Being (May 10, 2014). Richard Weissbourd, a professor at the Harvard School of Education, introduced me to his version of this practice with his expanding circle of concern exercise. See *id.*

108. See BARBARA L. FREDRICKSON, LOVE 2.0: FINDING HAPPINESS AND HEALTH IN MOMENTS OF CONNECTION 102-07 (2013) (describing practice of “loving-kindness meditation”).

109. See Bethany E. Kok et al., *How Positive Emotions Build Physical Health: Perceived Positive Social Connections Account for the Upward Spiral Between Positive Emotions and Vagal Tone*, 24 PSYCHOL. SCI. 1123, 1129-30 (2013) (concluding upward spiral dynamic may set path to greater emotional and physical health). The practice of loving-kindness meditation has been associated with possible beneficial effects on aging (at least for women) as indicated by telomere length. See Elizabeth A. Hoge et al., *Loving-Kindness Meditation Practice Associated with Longer Telomeres in Women*, 32 BRAIN BEHAV. & IMMUNITY 159, 161 (2013). The authors noted that shorter telomeres, which are often associated with chronic stress, may indicate

compassion will help better prepare law students to deal with the distress of those they represent, and improve how law students relate to those they find difficult to deal with.¹¹⁰

Finally, as a way of helping students find meaningful employment by facilitating an understating of their own character strengths, I ask students to prepare a summary of their experience using their strengths in specific situations; this is something I call a “Strength Resume.”¹¹¹ The exercise is an application of the legal skill of moving from the general to the particular. I have had mixed success, as some students have made general references to their strengths as opposed to telling a story that illustrates their strengths in action, but most do well.¹¹²

B. Cognitive Reframing

The critical reasoning skills that law students learn may create future problems, as these skills may foster a pessimistic frame of mind that is professionally useful, but personally dysfunctional. Clients want lawyers to be thoroughly knowledgeable, to think through difficult problems, to argue persuasively on their behalf, to be alert to legal risks and threats that can adversely affect them, and to look appropriately at the level and likelihood of the risk involved. Lawyers must constantly ask questions that require the use of their analytic ability to sort out client problems and difficulties.

At the same time, this critical—or perhaps even negative—frame of mind can shape a lawyer’s point of view in ways that focus on what is wrong, or could go wrong, in times and places where that skill may be dysfunctional. Dr. Seligman believes that this pessimistic focus, which is essential for protecting

that a person will age faster than others. *See id.* at 159. The study found that individuals who practiced loving-kindness meditation for several years had relatively longer telomeres than those who did not. *See id.* at 161.

110. A student in my 2017 course wrote in her final paper: “One of my favorite practices was the love/kindness practice. . . . The small act of sending positive vibes had a positive effect on me.” Emily Kaminska, Final Paper (Dec. 2017) (on file with author).

111. *See infra* Appendix D. A student in my 2016 course commented: “The strength resume seemed very silly to me when we did it. But afterward, when I took the time to really write out as if I were giving it to an employer, it filled me up. I felt much more confident about what I had to offer.” Memorandum from Alexandra Muskat, Student, Suffolk Univ. Law Sch., to R. Lisle Baker, Professor of Law, Suffolk Univ. Law Sch. (Mar. 7, 2017) (on file with author).

112. A student in my 2017 course wrote in her final paper:

The character strengths were meaningful to me because one of the things I struggle with is understanding what I am good at. I tend to focus on the negatives and I dwell on my flaws rather than thinking about my strengths. . . . I really like that my top strength was something I never would have thought of before.

Kelly Vieira, Final Paper (Dec. 2017) (on file with the author).

client interests, can also extend into general patterns of thought, especially self-critical thought:

Pessimism is seen as a plus among lawyers, because seeing troubles as pervasive and permanent is a component of what the law profession deems prudence. . . . The ability to anticipate the whole range of problems and betrayals that nonlawyers are blind to is highly adaptive for the practicing lawyer who can, by so doing, help his clients defend against these far-fetched eventualities. . . . Unfortunately, though, a trait that makes you good at your profession does not always make you a happy human being.¹¹³

In their article, Professor Peterson and Ms. Peterson reviewed a 1997 study of students at the University of Virginia Law School.¹¹⁴ In the study, the authors sought to correlate the explanatory style of the students—optimistic or pessimistic—with academic achievement.¹¹⁵ While not correlated with moot court, journal membership, community activities or class participation, higher law school grades did correlate with a pessimistic explanatory style.¹¹⁶ According to the study's authors:

Perhaps under the more rigorous demands and specific intellectual requirements of law school, diligent students who develop a sense of healthy skepticism are the highest achievers. In fact, careful attention to detail, considering all sides of an argument, seeing all potential pitfalls or catastrophes, attention to precedent rather than saltatory creativity, and thoroughness are typically seen as important traits for the successful lawyer.¹¹⁷

Peterson and Peterson go on to say that if the study is accurate, then “[s]tudents need to learn how to separate the skills they use in their professional and private lives so that the pessimism necessary for academic success does not bleed into everything else.”¹¹⁸

One way to achieve that objective is to understand how our thoughts can lead us astray, and how other thoughts can put us back on track. This technique involves noticing an event or activity that leads to a reaction in the moment.

113. SELIGMAN, AUTHENTIC HAPPINESS, *supra* note 40, at 178.

114. *See* Peterson & Peterson, *supra* note 35, at 398.

115. *See id.*; *see also* Jason M. Satterfield et al., *Law School Performance Predicted by Explanatory Style*, 15 BEHAV. SCI. & L. 95, 103 (1997) (attempting to correlate explanatory styles and academic success).

116. *See* Peterson & Peterson, *supra* note 35, at 398-99; Satterfield et al., *supra* note 115, at 96-98.

117. Satterfield et al., *supra* note 115, at 103; *see* Peterson & Peterson, *supra* note 35, at 399.

118. *See* Peterson & Peterson, *supra* note 35, at 401. At a recent conference at the University of Pennsylvania in October 2017, Dr. Seligman responded to a question I asked about accomplishing this separation, and he acknowledged it was still a challenge for positive psychology.

The individual then interrupts the belief behind the thought and the behavior—emotion or action—to determine if it is beneficial or not. If it is not, then the individual disputes it so they can avoid that emotion or action which leads to an undesirable consequence, or A-B-C for short (Activity, Belief, Consequence).¹¹⁹ This technique enables lawyers to apply the same capacity for reasoning they might use on behalf of a client to themselves, and helps them exercise the important professional skill of self-evaluation. Students in the course are asked to learn and practice a modified version of this technique adapted for law school. For example, I have asked my students to prepare a journal entry recalling an early law school experience as a catalyst for cognitive reframing, and how they might go about it. Professor Joseph Bankman from Stanford University Law School has worked with colleagues at Yale University Law School to create teaching materials along these lines to help students, using insights from cognitive behavioral therapy.¹²⁰

C. Positive Values

Efforts to teach people to think like a lawyer can unmoor students from their own values while serving as instruments of their clients.¹²¹ Professor Robert Cramton summarized the idea of lawyers as instrumentalists in his still timely article, *The Ordinary Religion of the Law School Classroom*, noting that lawyers are nothing more than the means used to achieve their clients' goals.¹²² Law students may be familiar with the famous movie about Harvard University Law School, *The Paper Chase*.¹²³ In the film, Professor Kingsfield, the contracts professor, opines, “[w]e do brain surgery here . . . [y]ou come in with

119. See REIVICH & SHATTÉ, *supra* note 64, at 66 (explaining A-B-C model).

120. See Randee Fenner, *Stanford Law Professor Creates New Way to Help Students Deal with the Stress of It All*, STAN. NEWS (Apr. 7, 2015), <http://news.stanford.edu/pr/2015/pr-bankman-law-anxiety-040715.html> [<https://perma.cc/Z2Q9-W8FC>] (highlighting benefits of cognitive behavioral therapy methods to treat law school anxiety); see also Ian Ayres et al., *Anxiety Psychoeducation for Law Students: A Pilot Program*, 67 J. LEGAL EDUC. 118, 124-29 (2017) (describing cognitive behavioral therapy oriented classes at Yale and Stanford). A student in my fall 2016 course wrote:

I am a huge lover of cognitive reframing. You had us write a journal on cognitive reframing and I focused mine on my reaction to how another classmate behaved. Her behavior defined who I was friends with and how I enjoyed my time. I never thought to take a second and think about why she was behaving that way, or why I was interpreting it in such a way. If I had, I probably would not have let her actions control me.

Alexandra Muskat, Student, Suffolk Univ. Law Sch., to R. Lisle Baker, Professor of Law, Suffolk Univ. Law Sch. (Mar. 7, 2017) (on file with author).

121. See ELIZABETH MERTZ, *THE LANGUAGE OF LAW SCHOOL: LEARNING TO “THINK LIKE A LAWYER”* 205 (2007).

122. See Roger C. Cramton, *The Ordinary Religion of the Law School Classroom*, 29 J. LEGAL EDUC. 247, 250 (1978) (describing how law school changes student thinking).

123. See *THE PAPER CHASE* (20th Century Fox 1973).

a skull full of mush, and you leave thinking like a lawyer.”¹²⁴ Legal education tends to set lawyers apart in their own minds. To my knowledge, law is the only profession that categorizes the world into lawyers and non-lawyers; ever hear of a physician referring to non-doctors? This identity issue needs attention, since it can be both an asset and a liability. The legal profession comes with a set of norms, explicit and implicit, that can shape how students view both their work as lawyers, and the rest of the world. An example of this is the term “zealous advocate.” It is sometimes cited by lawyers as a license to do harm on behalf of a client that they would not otherwise entertain, even though the term does not appear in any rule within the Model Rules of Professional Conduct.¹²⁵ This outcome, however, is not fixed. Professors Robert Cochran and Thomas Shaffer have written eloquently about how lawyers may choose different roles as a “client-centered lawyer,” an “authoritarian lawyer,” or a “collaborative lawyer.”¹²⁶ Abraham Lincoln, in his role as a lawyer, embraced the “collaborative lawyer,” in stating: “Discourage litigation. . . . There will still be business enough.”¹²⁷ Nonetheless, assuming the role of counsel brings with it many different roles and values that students absorb in forming their professional identities.

Therefore, if possible, it is important for students to be well-centered in their own values, and know how they will eventually merge their values with their professional role as lawyers. This role will involve more than just the law. For example, the ABA Model Rules of Professional Conduct provide: “In representing a client, a lawyer shall exercise independent professional judgment and render candid advice. In rendering advice, a lawyer may refer not only to law but to other considerations such as moral, economic, social and political factors that may be relevant to the client’s situation.”¹²⁸

Accordingly, although law school students are exposed to professional values in other courses, in the positive psychology course it is worthwhile to have students reflect on the values that matter to them. One way to accomplish this is to use what Dr. Seligman argued is the distinguishing human capacity of

124. *Id.*

125. See generally MODEL RULES OF PROF’L CONDUCT (AM. BAR ASS’N 2016). The term “zealous advocate,” however, does appear in the Preamble to the Model Rules. See *id.* at pmb1., para. 8. Being a lawyer involves a conflict of values almost by definition. Consider the duty of loyalty to a client. Sometimes the role of a litigator requires the lawyer to do harm to another within the context of the lawsuit to help a client through trial. Except for those few students who have access to a clinical experience, moot court bears the closest resemblance to litigation in law school, but there are no harmful consequences to the student’s values when litigating in the academic world. With the exception of the pain of losing a competition, no harm is done to the student litigator. Students may relish in the opportunity to prevail, while others dislike causing harm.

126. See THOMAS L. SHAFFER & ROBERT F. COCHRAN, JR., LAWYERS, CLIENTS, AND MORAL RESPONSIBILITY 3-4 (2d ed. 2009).

127. Abraham Lincoln, *Fragment: Notes for a Law Lecture*, in 2 THE COLLECTED WORKS OF ABRAHAM LINCOLN 81 (Roy B. Bassler et al. eds., 1953).

128. MODEL RULES OF PROF’L CONDUCT r. 2.1 (AM. BAR. ASS’N 2016).

prospection.¹²⁹ A way to seek prospection from students is to ask them what they hope a eulogy delivered on their behalf would sound like. Journalist David Brooks gave a TED talk about the difference between an achievement resume and a eulogy, which is discussed more in his book, *The Road to Character*.¹³⁰ Along these lines, I give the students the chance to write their own eulogies. I also help the students connect with their values through poetry, something derived from my MAPP experience with positive psychology and the humanities, which helps students convey deep meaning with just a few words.¹³¹

A complement to this values assessment can be found in Dr. Haidt's six foundations of innate morality: care/harm, fairness/cheating, loyalty/betrayal, authority/subversion, sanctity/degradation, and liberty/oppression.¹³² He argues these moral frameworks often shape decisionmaking and lie behind how different lawyers view the world, including their legal judgments.¹³³ While Dr. Haidt focused primarily on politics, these are values that can apply to conflict as well, both in terms of how conflicts are perceived and how they are potentially resolved.¹³⁴ As a result, I have asked my students to reflect on where they fall in this framework. Moreover, these values are important for law students to understand, as they may appear salient not only to them, but also to clients and others they encounter. In other words, spending time clarifying students' personal values should help them fulfill their professional ones.

Overlaying these individual perspectives is the power of group norms and identity. Students who have served in the armed forces recognize the power of

129. See Martin E. P. Seligman et al., *Navigating into the Future or Driven by the Past*, 8 PERSP. PSYCHOL. SCI. 119, 129 (2013) (arguing "intelligent action . . . guided by assessment of future possibilities).

130. See David Brooks, Talk at TED2014: Should You Live for Your Résumé . . . Or Your Eulogy? (Mar. 2014), https://www.ted.com/talks/david_brooks_should_you_live_for_your_resume_or_your_eulogy [<https://perma.cc/9HYT-44AG>]; see also DAVID BROOKS, *THE ROAD TO CHARACTER* xi-xvii (2015) (contrasting eulogy and resume virtues). A student in my 2016 course wrote: "I really enjoyed this exercise. . . . [W]riting down what I wanted to be remembered for, and how I wanted to be remembered, helped sort my present priorities." Memorandum from Alexandra Muskat, Student, Suffolk Univ. Law Sch., to R. Lisle Baker, Professor of Law, Suffolk Univ. Law Sch. (Mar. 7, 2017) (on file with author).

131. A student in my course wrote: "I felt like the poetry assignment helped tap into another part of our brains. My creative side is stronger than my analytical, but for most of law school it has to be suppressed. This journal assignment helped tap into that again." Memorandum from Alexandra Muskat, Student, Suffolk Univ. Law Sch. to R. Lisle Baker, Professor of Law, Suffolk Univ. Law Sch. (Mar. 7, 2017) (on file with author).

132. See HAITT, *supra* note 65, at 146, 197.

133. See Jonathan Haidt, *Moral Psychology and the Law: How Intuitions Drive Reasoning, Judgment, and the Search for Evidence*, 64 ALA. L. REV. 867, 868-69 (2013) (highlighting gradual development of how lawyers think).

134. See HAITT, *supra* note 65, at 150-55 (applying framework in political realm); see also Jonathan M. Hyman, *Beyond Fairness: The Place of Moral Foundations Theory in Mediation and Negotiation*, 15 NEV. L.J. 959, 969-77 (2015) (providing examples of moral frameworks contributing to mediation and negotiation outcomes).

group activity, and how it can bind otherwise disparate citizens into one.¹³⁵ The most powerful form of group identity occurs when someone feels the self has been set aside, and he or she has become part of something larger than oneself, a feeling usually reserved for battlefield comrades.¹³⁶ Dr. Haidt refers to this as the “hive” like aspect of our humanity, and believes it is one of the things that leads individuals to seek out causes greater than ourselves.¹³⁷ Dr. Viktor Frankl, reflecting on his experience observing positive behavior among prisoners in a Nazi concentration camp, eloquently described how a positive purpose can help us in times of trouble.¹³⁸ Recent research suggests that having a purpose larger than one’s self-interest leads to a greater willingness to take on difficult, and sometimes monotonous, work to realize that goal.¹³⁹ Thus, to the extent it is possible for students to connect to a larger purpose than themselves, it will help them bear the burdens of their work. With this research in mind, I devised a journal entry for my students asking them to describe to a successor law student why they believe their learning is worthwhile.¹⁴⁰

The challenge is to help students have access to these values in a way that prepares them for what is to come when they enter the legal profession. The point is that the work we do is shaped by, and in turn, shapes the meaning we give it. I recall a story I heard some time ago of three stonemasons at work in medieval France. The first described his work as cutting stone, the second as craftsmanship, and the third as building a cathedral. I would like the students who take this course to come away with a purpose in mind that helps define their actions as lawyers in the highest traditions of the profession.¹⁴¹

135. I served in the U.S. Marine Corps Reserve, and even though I have not been in combat, I am welcomed as an ex-Marine by others who have served. Boot camp is a shared experience that makes us all feel like we passed through a trial. Indeed, attending law school itself is often viewed that way.

136. See Haidt, *supra* note 65, at 256-57 (discussing “muscular bonding”).

137. See *id.*

138. See generally VIKTOR E. FRANKL, *MAN’S SEARCH FOR MEANING* (1959).

139. See Helen Y. Wang et al., *Compassion Training Alters Altruism and Neutral Responses to Suffering*, 24 *PSYCHOL. SCI.* 1171, 1176-78 (2013); David S. Yeager et al., *Boring But Important: A Self-Transcendent Purpose for Learning Fosters Academic Self-Regulation*, 107 *J. PERSONALITY & SOC. PSYCHOL.* 559, 574 (2014) (finding “self-transcendent purpose” increases efficacy of students tasked with completing tedious skill building tasks); see also Douglas T. Hall & Dawn E. Chandler, *Psychological Success: When the Career Is Calling*, 26 *J. ORGANIZATIONAL BEHAV.* 155, 163-65 (2005) (presenting model of psychological success based on careers as callings). A student in my course wrote: “Having a why is so important. Sometimes it’s the only thing that gets law students through the mundane work and even bigger challenges they face.” Memorandum from Alexandra Muskat, Student, Suffolk Univ. Law Sch. to R. Lisle Baker, Professor of Law, Suffolk Univ. Law Sch. (Mar. 7, 2017) (on file with author).

140. See *infra* Appendix D.

141. A student in my fall 2017 course wrote in her final paper: “Spending time in nature is part of my definition of happiness, so I realized that by effecting positive change to benefit the environment, I can have not only a career, but a calling.” Nellie Binder, Final Paper (Dec. 2017) (on file with author).

D. Positive Interpersonal Relationships

Dr. Barbara Fredrickson has written eloquently about the value of “positivity resonance” between people.¹⁴² As we grow as individuals, we relate to a wider circle of family and friends, and then later to one partner, which may ripen into companionate love and a mutual expectation that each will respond to the other’s needs, if the relationship is successful.¹⁴³ Nevertheless, sometimes reflecting on one’s life without a positive relationship or partner can be beneficial in highlighting their importance.¹⁴⁴ But as Dr. Peterson points out, our well-being can be influenced by groups, and even institutions, with which we are involved.¹⁴⁵ If they are positive associations, these relationships add to our well-being. In fact, the Framingham Heart Study suggests that happiness is contagious, in that happy people tend to “infect” others close to them in a positive way, and vice-versa.¹⁴⁶

Other than observing such relationships, is there something we can do to enhance them? As children, most of us are taught to say “please” and “thank you,” and sometimes we learn the golden rule of “do unto others as you would have them do unto you.” But it is even more important to understand how others might like to be treated differently from ourselves. It is, however, remarkable how little formal education is devoted to how positive relationships can be formed, cultivated, and gracefully ended. Fortunately, positive psychologists have explored some ways we can enhance our relationships with those close to us for our common benefit.¹⁴⁷ For example, suppose a student happily reports: “I just made Law Review”! What do we say? Here are four possible responses:

142. See FREDRICKSON, *supra* note 108, at 92.

143. See *id.*; see also Shelly L. Gable & Courtney L. Gosnell, *The Positive Side of Close Relationships*, in *DESIGNING POSITIVE PSYCHOLOGY: TAKING STOCK AND MOVING FORWARD* 265, 265-67, 275 (Kennon M. Sheldon et al. eds., 2011) (recognizing beneficial effects of close relationships). See generally JONATHAN HAIDT, *THE HAPPINESS HYPOTHESIS: FINDING MODERN TRUTH IN ANCIENT WISDOM* (2006) (referencing and exploring different types of relationships).

144. See Minkyung Koo et al., *It’s a Wonderful Life: Mentally Subtracting Positive Events Improves People’s Affective States, Contrary to Their Affective Forecasts*, 95 *J. PERSONALITY & SOC. PSYCHOL.* 1217-20 (2008). This study found that participants showed more relationship satisfaction writing about the possibility of never meeting their romantic partner than those writing about how they met. See *id.* at 1217.

145. See PETERSON, *supra* note 58, at 39-40.

146. See James H. Fowler & Nicholas A. Christakis, *Dynamic Spread of Happiness in a Large Social Network: Longitudinal Analysis of the Framingham Heart Study Social Network*, 338 *BRIT. MED. J.* 23, 26 (2009) (concluding happiness spreads up through to three levels of personal relationships). One student in the course reported that “when someone would discuss something positive, I feel like the whole class would become happier. It was nice being in a law classroom environment where happiness was fostered and spread.” Memorandum from Nellie Binder, Student, Suffolk Univ. Law Sch., to R. Lisle Baker, Professor of Law, Suffolk Univ. Law Sch. (March 28, 2018) (on file with author).

147. See PETERSON, *supra* note 58, at 271; Shelly L. Gable et al., *Will You Be There for Me When Things Go Right? Supportive Responses to Positive Event Disclosures*, 91 *J. PERSONALITY & SOC. PSYCHOL.* 904, 905, 916 (2006) (outlining importance of supportive responsiveness in relationships).

- “That’s nice.”
- “Did I tell you about the time I . . . ?”
- “Oh, my, how will you manage the demands on your time?”
- “You must feel great! How will you celebrate?”

The irony is that lawyers are used to anticipating problems, so the third response may be our first instinct, but that response is better reserved for the office, rather than at home. Research indicates only one of these responses (“You must feel great! How will you celebrate?”) enhances the well-being of those close to us—showing enthusiastic appreciation for sharing the good news.¹⁴⁸ Here is what the responses look like in a chart:

Type of Responses by People in a Close Relationship to Reports of Good Things that Happened to the Speaker	<i>Passive Response</i>	<i>Active Response</i>
<i>Constructive Response</i>	“That’s nice” (Understated support)	“That’s great! How will you celebrate?” (Enthusiastic appreciation)
<i>Destructive Response</i>	“Did I tell you about the time” (Ignoring the news)	“How will you manage the demands on your time?” (Pointing out problems which demeans the news)

Many of us with legal training are not accustomed to giving active-constructive responses because we are more often concerned with minimizing risk than celebrating success. That is not to say that as lawyers we should ignore problems or pitfalls; indeed, that is often our added value.¹⁴⁹ Nevertheless, my students report practicing this skill has resulted in improved

148. See Amie M. Gordon, *How Do You React to Someone Else’s Good News?*, PSYCH. TODAY (Sept. 30, 2014), <https://www.psychologytoday.com/blog/between-you-and-me/201409/how-do-you-react-someone-elses-good-news> [<https://perma.cc/S3HT-B9AH>] (noting active and constructive responses promote best relationships).

149. Martin E. P. Seligman et al., Paul R. Verkul & I Terry H. Kang, *Why Lawyers are Unhappy*, 23 CARDOZO L. REV. 33, 41 (2001) (recognizing “ability to anticipate . . . problems . . . non-lawyers do not see is highly adaptive for . . . practicing lawyer[s]”).

relationships, even if it is not their first instinct.¹⁵⁰ Students—and lawyers—also often listen to bad news. In that case, rather than move immediately to offering a solution, sometimes the path to the other person’s well-being is simply to listen, rather than to come to the rescue. As my minister once said in a sermon: “Don’t just do something, stand there.”¹⁵¹

Appreciating where the other person may be, and what he or she may need, is important in helping create positive connections with clients and others whom we may encounter as lawyers. Unfortunately, as lawyers, if we are lost in thought, it is easy to miss the opportunity to connect personally. Being present and interested in someone else as another human being, rather than in exchange for something or as an instrument of a larger goal, is important in building these relationships. That is why my course in positive psychology includes training students to learn how to pay attention by conducting regular concentration practice following guidance from Daniel P. Brown, Ph.D., a Harvard Medical School psychologist with whom I studied.¹⁵² It is hard to be fully present with a client if your mind is wandering.

It is also important to have students understand something I have experienced first-hand—when I am focused on work, I may lose track of relationships. In their book on resilience, Karen Reivich and Andrew Shatté give an example of a lawyer who wanted to leave work early to help out with childcare.¹⁵³ The authors used this example to show how the lawyer could examine the thoughts that led to his emotional reaction when the partner said, “Don’t make it a habit.”¹⁵⁴ This is helpful as an example of how a young lawyer might use the cognitive reframing technique in such a situation. What is even more powerful about the story is the partner’s offhand comment focused on the work, instead of the person doing the work.¹⁵⁵ Law students need to be prepared for situations like this, and must be aware of situations where they too may put work ahead of relationships, ultimately leading to the detriment of both.

150. A student in my fall 2017 course wrote in her final paper: “Previously, I found that because I was often stressed out or busy, I did not always respond appropriately to good news that my friends and family shared with me. After practicing Active-Constructive Responding, I found that my relationships were stronger because of these interactions.” Kaitlin Stone, Final Paper (Dec. 2017) (on file with author).

151. Rev. Joseph A. Bassett, Minister, The First Church in Chestnut Hill, Sermon at the First Church of Chestnut Hill, Massachusetts (1990).

152. See R. Lisle Baker & Daniel P. Brown, *On Engagement: Learning to Pay Attention*, 36 U. ARK. LITTLE ROCK L. REV. 337, 346-48 (2014) (discussing importance and methods of training concentration); see also *infra* notes 167-168 and accompanying text; *infra* Appendix E (providing guidance on how to conduct concentration practice). A student in my 2017 course wrote in her final paper: “the concentration practice . . . has helped me power through long days at court, where my attention is demanded at the utmost and I cannot afford for my mind to wander.” Morgayne Mulkern, Final Paper (Dec. 2017) (on file with author).

153. See REIVICH & SHATTÉ, *supra* note 64, at 85.

154. *Id.* at 86.

155. *Id.*

Aside from better relationships with clients and others, one of the positive relationships I hope to encourage among law students is an early relationship with Suffolk University's competent counseling staff so that students understand what services are provided. I tell my students that, even with the best of intentions, we may sometimes encounter a situation where our own mental resources are not enough.¹⁵⁶ When that happens, however, we are usually not emotionally well-equipped to make good judgments. When a fire starts, you do not want to start learning how to call the fire department, especially if you are temporarily unable to think clearly because of the crisis. A challenge in getting law students to consult expert assistance, however, is a culture that perceives seeking help as a sign of weakness; students may even worry that seeking help will adversely affect their ability to get character and fitness certification to gain admittance to practice.¹⁵⁷ Administrators at many law schools, like Suffolk University Law School, work with counseling staff and outside organizations like Lawyers Concerned for Lawyers (LCL) to help remedy these concerns.¹⁵⁸ In my course, I invite a representative of LCL to speak with the students to get them used to the idea of seeking help when they need it. Additionally, because exercise also builds resilience, this year I included information from a physical trainer to help the class understand how to get useful exercise in a small space without a gym or equipment.

VIII. SOME KEY PEDAGOGICAL ELEMENTS OF THE COURSE DESIGN

A course in positive psychology for future lawyers should reinforce, if possible, some of the important legal competencies discussed above. The discussion below highlights some key elements of the course design that can help reinforce these legal competencies.

A. *The Power of the Positive*

While it is important to alert students to the potential emotional difficulties they may face upon graduation—aside from passing the relevant bar admission requirements and getting a job—it is also important to lead with positive

156. See Brian S. Clarke, *Coming Out in the Classroom: Law Professors, Law Students and Depression*, 64 J. LEGAL EDUC. 403, 409-10 (2015) (describing professor's own struggle with depression and noting lack of outside support).

157. See Organ et al., *supra* note 35, at 150. Law school administrators need to provide both on and off-campus resources to students with mental health problems. See *id.* It is important to emphasize that while positive psychology can often offer benefits to law students, clinical psychological assistance may also be important in individual cases, as well as further general instruction in how to deal with difficult people or situations that may arise in the future.

158. See *About*, MASSACHUSETTS LCL, <http://www.lclma.org/> [<https://perma.cc/E8TC-KEFD>] (offering resources to lawyers, law students, judges, and their families).

material. Law school often focuses on what is wrong, so it is important to provide balance at the outset through a focus on what is right. Because the issue of future employment is important to students, understanding their own strengths provides an early lead into thinking about how they can capitalize on those strengths in a future legal role.

A focus on the positive allows students to be prepared to view the challenges of law school and law practice as opportunities for growth and not just as burdensome. For example, a recent study of hotel workers found that how their work was presented to them made a significant difference to their physical well-being, even though the tasks involved were very similar.¹⁵⁹ In this regard, Dr. Kelly McGonigal has studied the importance of understanding that stress does not always mean distress, but rather, that the body is preparing to meet a challenge, like an actor taking the stage.¹⁶⁰ Thus, the course includes elements that highlight the power of positive framing.

B. The Power of Preparation

When I first joined a Boston law firm, I vividly recall one of the senior partners, Calvin Bartlett, telling me that what sets great lawyers apart is the preparation they undertake. That lesson has only grown in value with time. Harvard Law Professor Roger Fisher once explained to me that if we were offered a chance to try a case in two days, we would be scurrying around preparing; but if we were going into a negotiation, the tendency would be to do much less work even though the judge would still be sitting on the other side of the table. His message was the same to lawyers engaged in transactions or in litigation: “Prepare. Prepare. Prepare.”¹⁶¹

Many law school classes involve reading assigned material—often appellate cases and statutes—and then discussing those readings in class with the professor. A case might be read, discussed, and used as a springboard for hypothetical questions designed to illuminate the lessons of the case and to see how the case might be applied in other contexts. This is important learning for

159. See Alia J. Crum & Ellen J. Langer, *Mind-Set Matters: Exercise and the Placebo Effect*, 18 PSYCHOL. SCI. 165,165 (2007) (concluding how hotel workers perceived their activities positively affected them). The study focused on how mindset affects health. See *id.* at 166. The female room attendants in the experimental group worked in seven different hotels and were told that the work they do—such as cleaning hotel rooms—is good exercise, and satisfied the Surgeon General’s recommendation for leading an active lifestyle. See *id.* The workers in the control group were not given this information. See *id.* Four weeks later, although neither group changed their actual behavior, the experimental group lost weight and decreased their blood pressure, body fat, waist-to-hip ratio, and body mass index, as compared to the control group. See *id.* at 170.

160. See KELLY MCGONIGAL, *THE UPSIDE OF STRESS: WHY STRESS IS GOOD FOR YOU, AND HOW TO GET GOOD AT IT* 41-42 (2015) (discussing Hans Selye’s research and findings on stress’s positive and negative impacts on body).

161. ROGER FISHER & DANIEL SHAPIRO, *BEYOND REASON: USING EMOTIONS AS YOU NEGOTIATE* 169 (2005).

future lawyers. The difficulty is that the few students who volunteer or are called upon to respond are the principal beneficiaries of the discussion with the instructor. The others are more passive participants. As such, I have found that in my courses, journal entries—either used before, during, or after class—foster student preparation and engagement as well as opportunities for positive interaction among students and their instructor.¹⁶²

C. *The Power of Practice*

One aspect of professionalism is the idea that learning is lifelong, and that mastery comes from sustained efforts at self-development over time. Anyone who has taken up a sport for the first time realizes the clumsiness in beginning something new, and that sustained diligence is required to reach the next level of skill.¹⁶³ As children, we experienced this when we learned to walk, ride a bicycle, or swim. The practice of law also requires continued effort to keep learning and growing. The idea that we can continue to learn, and may not yet be an expert, implies a sense of journey rather than arrival. The late author George Leonard relied on his experience in learning the martial art of aikido to help him understand that improvement takes time, often long stretches on an apparent plateau, and the willingness to unlearn old habits in order to build new, stronger ones.¹⁶⁴ The modern incarnation of this idea is the “growth mindset,” which maintains that we have the capacity to improve our ability if we work at it.¹⁶⁵ In addition to this growth mindset, sustained effort often requires pursuit of a focused passion, which Dr. Angela Duckworth calls “grit.”¹⁶⁶ Grit may even be a precondition to reaching the state of timeless engagement in a task or activity where the skill and the challenge are matched, which Dr. Mihály Csíkszentmihályi calls “flow.”¹⁶⁷

Therefore, even in a brief course such as this, it is important to provide students with an opportunity to practice something new that will call upon their diligence and sustained effort, but that also has the prospect of producing gains over time. For this purpose, drawing from the work of Harvard Medical School psychologist Dr. Daniel Brown, I have asked students to focus on developing their capacity for engaged attention through training their powers of

162. See *infra* Appendix D (providing examples of such journal entries).

163. See GEORGE LEONARD, MASTERY: THE KEYS TO SUCCESS AND LONG-TERM FULFILLMENT 6-8 (1991) (discussing beginning steps to mastery).

164. See *id.* at xiii-xiv.

165. See DWECK, *supra* note 69, at 57-58 (discussing effects of growth mindset on students).

166. See Angela L. Duckworth et al., *Grit: Perseverance and Passion for Long-Term Goals*, 92 J. PERSONALITY & SOC. PSYCHOL. 1087, 1087 (2007) (finding grit to have higher impact on achievement than intelligence).

167. See MIHALY CSIKSZENTMIHALYI, FLOW: THE PSYCHOLOGY OF OPTIMAL EXPERIENCE 4 (1990). A student wrote in her final paper: “Continuing flow activities—which for me include rock climbing, painting and hiking—will be critical in my future plan.” Nellie Binder, Final Paper (Dec. 2017) (on file with author).

concentration.¹⁶⁸ As previously noted, it is difficult to concentrate on legal work if we are distracted. Perhaps more importantly, it is challenging to be fully attentive to what someone is saying if we are distracted by our own thoughts. Concentration practice involves a guided meditation to build a student's capacity to focus, and the capacity to be aware of distractions, so that when distracted, students can regain and resume their focus.¹⁶⁹ As indicated above, regularly practicing this guided meditation also provides students a chance to grow the character strength of self-regulation and the professional skill of self-evaluation. Once the practice of turning away from thought to an object of concentration—like breathing, or the felt sense of the body itself—is developed through regular practice, this skill provides a tool to interrupt an unproductive train of thought outside of a formal, contemplative practice setting. Such practice also provides students a structured break from some of the stresses of their legal studies.¹⁷⁰

D. The Power of Partnership

Partnership has long been the preferred form of professional organization for lawyers. My course honors that principle, modifying it to enable students to aid each other as partners. Having someone who is interested in a student's welfare benefits the student because that person can then offer the student an outside perspective, just as a lawyer can for a client.¹⁷¹ Therefore, my students are asked to partner with another student for various course activities, including

168. See Baker & Brown, *supra* note 152, at 366-69 (discussing professional benefits of focused attention and how it can be developed); see also *infra* Appendix E (providing guidance on how to conduct concentration practice).

169. A student in my 2017 course wrote in her final paper: "I found from practicing concentration, I was able to better focus on the task at hand whether it be completing school work [or] listening and taking notes in class. . . . I struggled focusing at the beginning but found it got easier as time went on." Rachael Teluja, Final Paper (Dec. 2017) (on file with author).

170. Another student wrote in her final paper:

Meditation had such a great impact on me during the semester, both in a personal and educational way. It calmed me during times of stress and provided a time that I can get away from the real world. It was a breath of fresh air. This is so important with finals coming up and, more importantly, with the bar exam looming ahead. I need to make time for this invaluable practice.

Leah Kofos, Final Paper (Dec. 2017) (on file with author). Another student in my fall 2017 course wrote:

Starting my day thirty minutes early with the contemplating and mediation were the most peaceful parts of my day, and I noticed that I was calmer and less stressed throughout the day. . . . It has become my favorite part of the day and . . . is the greatest stride toward balance in my life.

Winona Hudak, Final Paper (Dec. 2017) (on file with author).

171. See James Pawelski, Dir. of Educ. & Senior Scholar, Master of Applied Positive Psychology Program, Lecture at the University of Pennsylvania (Fall 2015). Dr. Pawelski refers to this concept as having an "Aristotelian Friend." See *id.*

for researching and presenting a topic in positive psychology. Even a stranger can be a good partner under the right circumstances. As described above, one of the recommended practices involves students telling stories of times when they felt they were at their best.¹⁷² As a variation on this practice, an exercise in this course asks classmates unknown to one another to introduce each other to the entire class.¹⁷³ In addition, this activity gives students an early experience in forming positive connections with other people. One part of the introduction exercise is to have the students find three things they have in common that are not obvious, since commonality enhances a sense of affiliation.¹⁷⁴

Beyond the classroom, one of the course objectives is to have the students ally with a partner who can be an aid to them after the course concludes. For example, I am fortunate to have been married to my wife, Sally, for fifty years. She is a partner whose perspective has been invaluable, especially when her advice saved me from doing something that, in retrospect, would have been unwise—even if I thought it was a good idea at the time. While few students are married, almost all of them can find someone among their classmates or friends outside of school who can help them stay on track with a chosen course of action or offer feedback when needed.

E. The Power of Presentation

Notwithstanding the importance of public speaking for lawyers, practicing this skill is still relatively rare in a law school classroom outside of occasional simulation courses or moot court. As presentation is an important legal skill for lawyers, learning it in law school provides students with an opportunity to develop a newly acquired ability; thus, it plays an important part in this course.¹⁷⁵ The course offers students two formal presentation opportunities.

172. See PETERSON, *supra* note 58, at 27 (providing Peterson's own personal best story).

173. A student in the course wrote:

During the course we were assigned to partners almost every class. I really enjoyed getting to know my classmates on a more intimate level. I generally have a hard time speaking aloud and presenting ideas, but I found it easy in this class because the subject matter was much less externally analytical, and more of an internal discovery. The class got very close and it became a sort of safe space to express your feelings.

Memorandum from Alexandra Muskat, Student, Suffolk Univ. Law Sch. to R. Lisle Baker, Professor of Law, Suffolk Univ. Law Sch. (Mar. 7, 2017) (on file with author).

174. See FISHER & SHAPIRO, *supra* note 161, at 54-55 (suggesting people find structural connections to build affiliation).

175. I vividly recall learning the importance of public speaking when presenting to audiences outside of the classroom in a twenty-minute talk at my church, and a three-minute presentation at a local high school graduation ceremony. These instances gave me a clue that the course's teachings should be durable and involve opportunities for presentation. See, e.g., R. Lisle Baker, Address at the Graduation Ceremony for

The first opportunity is for students to present on a positive psychology topic with a partner to provide them experience with collaboration. The second opportunity allows students to describe their learning in a summative presentation at the end of the course. This presentation is followed by a final paper based on the record of reading, writing, and listening they have made during the course.¹⁷⁶ My experience is that the second presentation opportunity helps students clarify their thinking before they turn in their final paper, and allows them to receive feedback or questions from classmates that can help guide them in writing it.

The presentations also offer students opportunities to practice their focused attention as they listen. To that end, each student is asked to complete a one-page form immediately after the presentation, reporting on what they heard the speaker say and any suggestions they have as a result.¹⁷⁷ Many of the presenters draw upon the comments of their peers about what they did well, but also what they might do differently. Furthermore, having live, formal presentations offers students a chance to cultivate their presence in the moment by using recent learning about the impact of the body on the mind.¹⁷⁸ The presentation opportunity often challenges students, but also allows them to take advantage of the potential stress public speaking may involve by reframing it as an opportunity, highlighted by pre-performance excitement.¹⁷⁹

Newton South High School (June 9, 2016), <https://vimeo.com/174544888/a8dcd700e7> [<https://perma.cc/ZZB6-XW67>].

176. A student in my course discussing the presentations wrote:

The first presentation we conducted was on a paper topic of our choice, based on topics presented at the beginning of the course. Then we were matched up with another student who had picked the same article. The presentation I worked on had to do with resilience and the medical field, which we then related to the legal field. It was very interesting to research more on this particular topic. . . . I realized that I conducted my own version of resilience training on a daily basis and acknowledging that strength allowed me to push through the more uncomfortable portions of my semester. . . . I even keep a copy of my poster on my desk so that when I feel overwhelmed or frustrated, I can refer back to the training.

Email from Alexandra Muskat, Student, Suffolk Univ. Law Sch. to R. Lisle Baker, Professor of Law, Suffolk Univ. Law Sch. (Mar. 7, 2017) (on file with author).

177. See *infra* Appendix F (providing form used by students).

178. See AMY CUDDY, PRESENCE: BRINGING YOUR BOLDEST SELF TO YOUR BIGGEST CHALLENGES 241 (2015) (recognizing body language impacts mind and behavior).

179. See MCGONIGAL, *supra* note 160, at 97-98 (highlighting excitement as improving performance).

F. *The Power of Writing*

Research indicates that information recorded by hand is more durable in the memory than information recorded by machine.¹⁸⁰ Therefore, as a way of helping students retain what is taught and reacquaint themselves with taking notes without technology, the feedback forms they complete for one another asks them to record their notes by hand.

As indicated earlier, several class activities require journal entries, either in advance or after the fact. These entries, which need not be handwritten, help with student self-evaluation in accordance with the ABA standards.¹⁸¹ Also, recent scholarship indicates that writing and well-being are potentially symbiotic; writing is especially expressive in a journal and can enhance well-being, which in turn helps the writing itself.¹⁸² Because assessment in a course like this one is a challenge, I find that multiple journal entries—plus the final paper that builds upon them—provide a window for me to look into what is working for the students, and a record for them to refer back to if they need a reminder.¹⁸³

Finally, students are asked to write at least two additional works based on their presentations. Psychology students often use posters to summarize their work; so for this course, I ask students to make a poster reflecting on their presentations about a specific positive psychology topic of their choice that may be relevant to them.¹⁸⁴ The second writing, which is more substantial, is a final paper at the end of the course reflecting on their learning and journal entries they wrote throughout the course.¹⁸⁵ The paper requires students to indicate how they will use their knowledge from the course in the future: What will they do differently tomorrow from what they did yesterday? The objective is to ask the students to use the record they have developed in the course as a basis for their final paper, much like a judicial decision draws upon the evidence admitted at trial.

180. See Pam A. Mueller & Daniel M. Oppenheimer, *The Pen Is Mightier than the Keyboard: Advantages of Longhand Over Laptop Note Taking*, 25 PSYCHOL. SCI. 1159, 1166 (2014) (finding students who took notes on laptops performed worse when asked conceptual questions on material).

181. See ABA STANDARDS, *supra* note 11, § 303(a)(3)(iv) (noting curriculum may involve “opportunities for self-evaluation”).

182. See Robert W. Rebele, *Writing Well: The Symbiotic Relationship Between Writing and Well-Being* (Aug. 1, 2010) (unpublished manuscript) (on file with the University of Pennsylvania) (concluding “[w]riting [p]romotes [w]ell-[b]eing”).

183. A student in my fall 2017 course wrote in her final paper: “Journaling every week made me realize how important it is to check in with myself and see where my mind and heart are at compared to my agenda and goals.” Gracie Van Huffel, Final Paper (Dec. 2017) (on file with author).

184. I have had mixed success with the actual poster construction. Some students found they wanted to include PowerPoint slides instead.

185. See *infra* Appendix G (presenting more detailed description of final paper).

G. The Power of Exemplars

A part of the course involves students finding positive exemplars they can admire and perhaps emulate. Almost every law student has read Harper Lee's *To Kill a Mockingbird* and its portrayal of attorney Atticus Finch.¹⁸⁶ During the course, I invite exemplary lawyers to the class, such as current or former presidents of the Massachusetts Bar Association, so that the students can interact directly with highly regarded legal professionals. I also invite students to write about exemplars of their own, asking them to discuss people they admire and why.

At the same time, this exemplary conduct involves not only success, but also a lack of it, so long as something is gained from the experience. One illustration of how to be a positive exemplar of failure comes from Dr. Jonathan Haidt, who calls the rational side of our cognition the "rider," which often comes to the aid of the stronger intuitive "elephant" of our cognition.¹⁸⁷ He gives an example of being challenged by his wife about some minor household omission, and immediately using all of his reasoning power to come up with an excuse.¹⁸⁸ He then realized to his dismay that he had just done what he had been writing about: using his "rider" to defend his "elephant."¹⁸⁹

In reading his story, I had a similar epiphany when remembering a recent domestic conversation in my own home. My instant response was to provide a rationalization for a mistake that I might have avoided had I been more self-aware in the moment. As discussed earlier, in the practice of cognitive reframing that I had learned at the University of Pennsylvania, I was taught the idea of catching thoughts before they turned into action.¹⁹⁰ I even have the students prepare a journal entry about this practice.¹⁹¹ Yet at home, I had missed an opportunity to do exactly what I try to teach my students. This example vividly demonstrates why the positive psychology course needs not only a presentation component to ground learning, but also an experiential domain where learning can be practiced until it has a chance to take hold. This also means being willing to tell students of my own challenges in this regard. Dr. Tal Ben-Shahar referred to this practice as giving ourselves "the permission to be human."¹⁹² He also wrote that this permission includes an instructor "emphasizing that as his students, he also experiences failures that are a natural

186. See generally HARPER LEE, *TO KILL A MOCKINGBIRD* (1960).

187. See HAIDT, *supra* note 65, at 52-53.

188. See *id.* at 61-64.

189. See *id.*

190. See REIVICH & SHATTÉ, *supra* note 64, at 66 (recognizing interpretation of events, and not actual events, drive our "emotions and behaviors").

191. See *infra* Appendix D (detailing student journal assignments).

192. See Tal Ben-Shahar, Speech at the Certificate of Applied Positive Psychology Program (Sept. 2014).

part of being human, enabling students to identify with him and learn from his personal stories about their own lives.”¹⁹³

This is perhaps even more of an issue for lawyers, as a lawyer is well-trained to make good arguments, thereby requiring even more self-awareness than non-lawyers. Students can incorporate this version of a “growth mindset” into their daily personal and professional lives, sometimes to avoid error, but also to learn from their mistakes when they do in fact occur, providing an opportunity to exercise the professional skill of “self-evaluation” referenced in the ABA guidelines and accompanying interpretations.¹⁹⁴

While much of positive psychology comes from scientific studies comparing experimental subjects and control groups, helping students learn from their own experiences is equally important. During the MAPP program, Dr. Chris Feudtner helped me understand learning from experience in the context of positive psychology.¹⁹⁵ As a pediatric palliative care physician, Dr. Feudtner has the difficult task of telling parents their child will not survive.¹⁹⁶ He became, in effect, a scholar in action, reflecting on his experience and coming to an understanding that parents have more than one way of caring for their children in such horrible situations. From this evolving process, he developed a methodology for communicating the bad news he sometimes has to give to parents about their child’s prospects for survival, which he authorized me to adapt to help law students learn how best to deliver bad news to their clients.¹⁹⁷ Learning from experience is part of what positive psychology is about, which is also exemplified by Dr. Haidt’s research on moral intuition.¹⁹⁸

Dr. Feudtner’s examples and stories helped point out that teachers, as well as lawyers, should demonstrate a concern for the welfare of their students, and not just assume it is apparent. As a result, I have begun not only to introduce myself to students in the first class, but also to shake their hands to lessen the distance between us. This practice grows out of my experience as an elected official and teaching negotiation. Negotiators are used to shaking hands at the

193. See Pninit Russo-Netzer & Tal Ben-Shahar, *‘Learning from Success’: A Close Look at a Popular Positive Psychology Course*, 6 J. POSITIVE PSYCHOL. 468, 471 (2011).

194. See ABA STANDARDS, *supra* note 11, § 303(a)(2)(iv) (noting curriculum may involve “opportunities for self-evaluation”); *id.* § 302 interpretation 302-1 (recognizing “other professional skills” includes “self-evaluation”).

195. See Christopher Feudtner, Lecture at University of Pennsylvania to Master of Applied Positive Psychology Class (Jan. 2016).

196. See *Chris Feudtner, MD, PhD, MPH*, CHILDREN’S HOSP. PHILA., <http://www.chop.edu/doctors/feudtner-chris> [<https://perma.cc/Y6XR-WGEC>].

197. See *infra* Appendix D (describing, in Journal 28, how lawyers can also use this technique with their clients); see also Christopher Feudtner, *Collaborative Communication in Pediatric Palliative Care: A Foundation for Problem-Solving and Decision-Making*, 54 PEDIATRIC CLIN. N. AM., 583, 597-600 (2007) (describing protocol for communicating bad news).

198. See Haidt, *supra* note 133, at 872-73 (explaining how others around us lead to development of moral judgment).

end of a deal, so why not do so before as well? Another way I try to teach by example is by enlisting guests and asking for their advice. For example, my MAPP 2016 classmate Bailey Reagan agreed to participate and give advice the first time I offered this course, which proved to be very helpful as she acted as a coach who could see and hear things I might miss. She also returned in the 2017 class to talk about using a calendar for planning positive activities into the day or week.

H. The Power of Scientific Evidence Linked to Student Experience

As positive psychology relies on scientific inquiry, one way to introduce students to its potential relevance is by helping them prepare for their upcoming bar examination. For example, research suggests that envisioning a successful future, along with the potential obstacles and how they might be overcome—through mental contrasting plus implementation intentions—is beneficial “as a self-regulatory strategy of successful goal pursuit.”¹⁹⁹ This is a useful tool to increase exam preparation for high school students, and may also be helpful for law students with preparation for the bar exam.²⁰⁰ If visualizing the desired achievement produces the same psychological payoff as actual achievement, picturing only the moment one achieves a goal may reduce the incentive to do the work necessary to actually achieve it.²⁰¹ To help avoid this effect, it is helpful to temper the image of success by focusing on challenges that are likely to arise and how those challenges might be overcome.

In a recent study, two groups of comparable high school students spent part of their summer responding to practice questions in workbooks to prepare for the PSAT.²⁰² Before they began, the control group focused only on positive outcomes associated with completing all the practice tests in the workbook, while the test group imagined positive outcomes, but also included potential obstacles and ways to overcome them.²⁰³ The test group completed an average of 140 questions while the control group completed only an average of 84 questions.²⁰⁴ Dr. Gabrielle Oettingen has summarized this process in the acronym “WOOP.”²⁰⁵ The steps of WOOP are: wish (a feasible desired

199. See Angela Lee Duckworth et al., *Self-Regulation Strategies Improve Self-Discipline in Adolescents: Benefits of Mental Contrasting and Implementation Intentions*, 31 EDUC. PSYCHOL. 17, 17 (2010) (defining mental contrasting and implementation intentions).

200. See *id.* at 23 (finding students who utilized this process answered 60% more practice questions than control group).

201. See *id.*

202. See *id.* at 20-21 (explaining mental contrasting and implementation implication study on PSAT students).

203. See Duckworth et al., *supra* note 199, at 21 (explaining actions of two participant groups).

204. See *id.* at 22.

205. See GABRIELE OETTINGEN, *RETHINKING POSITIVE THINKING: INSIDE THE NEW SCIENCE OF MOTIVATION* 133 (2014) (introducing acronym WOOP).

result); outcome (including why the outcome matters); obstacle (what gets in the way); and plan (“if, then” strategy: if this obstacle occurs, then I will perform).²⁰⁶ Based on Dr. Oettingen’s work and some additional research, I have also added a public commitment step to this process. I now ask my students in the course to prepare a journal entry as a way of trying out this technique before the bar exam.²⁰⁷

I. The Power of Grading for Learning Rather Than for Performance

While most classes in law school involve letter grades, some classes are offered on a pass-fail basis. This course is taught on a pass-fail basis to encourage students to take risks in order to learn. The objective is also to have students feel safe in cooperating with their classmates and to be concerned about how they do against their own benchmarks, not in comparison with others. Also, I was uncertain how to grade personal growth, as opposed to whether an assigned task was done. This distinguishes between learning goals, where failure provides another opportunity to try again, and performance goals, which desire specific achievements.²⁰⁸ Dr. Angela Duckworth made a similar point in an address to West Point cadets about the importance of deliberate practice, such as where an athlete needs to work on a perceived weakness in preparation for actual performance.²⁰⁹

A specific challenge for me as an instructor is how to adopt a growth mindset, both for myself and for my feedback to students.²¹⁰ As indicated earlier, it is important to model my own conduct to what I hope my students will learn. Therefore, designing this positive psychology course has a built-in tension between seeking to achieve a full and complete course in advance of teaching it, versus shaping the course provisionally, and adjusting it as appropriate. This is similar to when a litigator spends months preparing for trial, but then ends up modifying the planned argument when in court.

While the course is ungraded, it does include formative and summative assessments. Some of the formative assessments involve instruments like the VIA survey and the accompanying journal entries. The summative assessments include the final paper for the course, the explanation for which can be found in

206. See *id.* at 134-36 (explaining different steps of WOOP).

207. See *infra* Appendix D (providing example of journal entry prompt). A student in my fall 2017 course wrote: “Thanks to utilizing mental contrasting, I was able to set a goal of going on a bike ride and I actually achieved that goal. Holding myself accountable was a lot easier once I had written down a very specific plan.” Kelly Vieira, Final Paper (Dec. 2017) (on file with author). Another student wrote in her final paper: “[Dr.] Duckworth’s article made me rethink how I set my goals and how I achieve them. She redefined for me the phases of setting, staying committed, and achieving a goal, which is a vital tool with the graduation and bar quickly looming.” Gracie Van Huffel, Final Paper (Dec. 2017) (on file with author).

208. See DWECK, *supra* note 69, at 191-92 (distinguishing between different student mindsets).

209. See Angela L. Duckworth, Address at the United States Military Academy (Feb. 2014).

210. See DWECK, *supra* note 69, at 6-7 (detailing struggle to adopt growth mindset).

the appendices. Incorporating additional assessments to gauge student progress is an aspect that I plan to explore further in the future.²¹¹

K. The Power of a Positive Activity Log

Lawyers traditionally log their time on a case or a client matter. When I was working in a law firm, my employers instructed me to log my time as one-tenths of an hour to simplify calculations. One way to help students develop similar habits and highlight positive practices is by simply asking them to keep a weekly log of these activities.²¹² Admittedly, this log is only an experiment, but it represents an attempt to use in the course some of the conventions students are likely to encounter in their future law practice.²¹³ Students seemed to like the log so long as it was used for learning and not a weekly chore. Their experience led me to use the log only in the first three weeks of the course.²¹⁴ A log also provides an opportunity for conversation around capturing and savoring positive experiences that can be fleeting but helpful—in other words, learning from positive experiences by reflecting upon them.

For example, in 2016, I had a frustrating morning while presenting a municipal perspective in an attempt to shape state legislation that could affect local governments. When I arrived home, I was still frustrated, but I knew I had to give a brief address to the local high school's graduating class on behalf of the Newton City Council. I recalled reading an article about how sixty seconds of observing tall trees produces more pro-social behavior than sixty seconds of observing a tall building.²¹⁵ That article inspired me to take a brief walk around the corner from my house and enjoy looking up at some tall sycamores, which just happened to be on the intersecting street. Viewing the

211. My advisor, Dave Shearon, recommends the use of Dr. Aaron Jarden's instruments. *See Assessments, WORK ON WELLBEING*, <http://www.workonwellbeing.com> [<https://perma.cc/X2ZE-7XVC>] (providing overview of instruments).

212. *See infra* Appendix D (providing example of positive activity log).

213. A student in the course wrote:

I am very grateful you had us do these logs at the in one-tenth format at the beginning of the semester and then let us answer questions at the end. I did not know how a lawyer would count this time in order to bill until we did these assignments. . . . I saw in this log that I was not getting the rest that I needed on a physical and emotional level. By the end of the semester, I was able to look at how much that output had gone down and balanced itself with my personal rest.

Memorandum from Alexandra Muskat, Student, Suffolk Univ. Law Sch. to R. Lisle Baker, Professor of Law, Suffolk Univ. Law Sch. (Mar. 7, 2017) (on file with author).

214. A student in my fall 2017 course wrote in her final paper: "After reflecting on my [positive activity] logs, I can say without a doubt that I have and will continue to keep track of certain aspects of my life like mindfulness, sleep, exercise, and spirituality." Gracie Van Huffel, Final Paper (Dec. 2017) (on file with author).

215. *See* Paul K. Piff et al., *Awe, the Small Self, and Prosocial Behavior*, 108 J. PERSONALITY & SOC. PSYCHOL. 883, 893-95 (2015) (reviewing study with test subjects looking at tall trees or tall buildings).

trees helped change my perspective, and I believe I gave a better presentation because of it, which readers can judge for themselves.²¹⁶ As a result, I take the students outside the first day of class to look at the trees near the law school building to offer us a visual break in the day.

This story illustrates my reasoning for undertaking my MAPP program training, and for designing this positive psychology course. The course is less about teaching students positive psychology principles and more about teaching ways of applying them. Because lawyers work with thoughts and words, I am particularly interested in interventions—like my viewing of sycamores—that can work beyond the level of reasoned analysis. This is why my course, and this Article describing it, are still very much works in progress about what and how to learn, and how to apply positive psychology. In this Article, I have attempted to write what might be called my own positive activity log for the course, summarizing some of what I think has worked, but also to recognize how much there is still to learn.

IX. FURTHER WORK TO COME

So much of what I write here grows out of my long experience as a teacher. Yet, out of all the subjects I have taught in law school, this one is the most daunting. I understand and enjoy teaching subjects like property, and even arcane matters like the rule against perpetuities. Nevertheless, in this course it is not enough to just teach; I also have to practice. For example, I am learning to use my understanding of positive psychology in my own life, so that I can offer credible instruction to my students. As I am still learning myself, I hope that my students understand that we are on this path together.

Finally, this course has raised more questions than I have answers. For example, some attributes of being a lawyer, such as trustworthiness, are not yet easily linked to positive psychology. Dr. Fred Kiel spoke at the Festival of Positive Education about how the trustworthiness of a company's chief executive officer translates into exemplary corporate performance.²¹⁷ Dr. Kiel and his colleagues developed a trustworthiness assessment that was given to others in the organization who worked with the chief executive officer.²¹⁸ I know of no comparable assessment for lawyers or law students. This is an evaluation that I would like to explore more in the future.

216. See Baker, Address at the Graduation Ceremony for Newton South High School, *supra* note 175.

217. See Fred Kiel, Address at the Festival of Positive Education (July 20, 2016).

218. See *id.*

X. CONCLUSION

The challenges of teaching professional formation in law school are significant. Nonetheless, a course in positive psychology for lawyers offers an opportunity to add evidence-based learning from the field of psychology to the mix of what students can learn. At the same time, this course is an experiment, and like the field of psychology itself, requires a willingness to learn from the experience.

Given this background, the appendices to this Article includes a set of journal assignments designed to help students organize and experience positive psychology's benefits. My hope is that some of these exercises might also appeal to those faculty members teaching more conventional law school courses. Positive psychology cannot substitute for basic legal education, but it may complement it so as to help enhance law students' ultimate success. In the meantime, this Article constitutes the beginning of what I hope will be a continuing opportunity to think further about how to best help law students succeed as lawyers, and through them, how to best help their clients and communities they will serve.²¹⁹

219. A student in my 2017 course wrote: "I believe that it would be in the best interests of law schools to teach students about positive psychology not only to help them as people but also in assisting future clients." Rachael Tuleja, Final Paper (Dec. 2017) (on file with author). Another student wrote in her final paper: "I would not be able to put a price-tag on the wealth of information I have learned from this course in positive psychology. . . . Actually practicing . . . has set good habits for my life . . . now I feel that I am equipped to handle whatever life throws at me." Emily Kaminska, Final Paper (Dec. 2017) (on file with author).

APPENDIX A

A Positive Psychology Course Schedule

Some of the key substantive and pedagogical ideas are discussed in the Article itself. To provide more clarity in how they might work in practice, here is a simplified calendar of some class topics covered in readings or journal entries from the course in 2016 and 2017, rendered in terms of weeks rather than specific times. Some specific journal entries are covered in subsequent appendices.

Date	General Topic	Assignments Due
Week One	<i>Topic:</i> Introduction to the three responsibilities of a lawyer—self, others, and the community—and how positive psychology can help	<i>Readings:</i> <ul style="list-style-type: none"> • Peterson, Chapter 2: Learning About Positive Psychology: Not a Spectator Sport, pp. 25-28 <i>Preparation:</i> <ul style="list-style-type: none"> • Story of you at your best
Week Two	<i>[No class this week because of holiday rescheduling]</i>	<ul style="list-style-type: none"> • You can begin reading Biswas-Diener, The Courage Quotient: How Science Can Make You Braver ; • Watch: Martin Seligman on Positive Psychology: https://www.youtube.com/watch?v=faT8jw17RHE
Week Three	<i>Topic:</i> Resilience and self-care; concentration practice; introduction to research on positive psychology Optional Special Guests: (Reference Librarian) (Lawyers concerned for Lawyers)	<i>Readings:</i> <ul style="list-style-type: none"> • Peterson, Chapter 2, pp. 25-28 (recap); 28-31; 38-39 • Peterson, Chapter 9, pp. 223-244 • Duckworth et al, 2011 (handout; illustration of article about positive psychology research) • Reivich & Shatté, The Resilience Factor, pp. 1-2, 3-6, 11-15, 26 [bottom two-thirds], 48-59 [top two-thirds] • Dweck, Chapter 1, pp. 3-14 • A Wandering Mind is Not a Happy Mind (handout) • Syllabus and other handouts, including explanation of first journal entry assignments

		<p><i>Journals due:</i> (See journal assignments memo for specifics for journals)</p> <ul style="list-style-type: none"> • Why do you want to take this course? • Positive introduction report (and written positive story for those not in first class) • Most helpful reading • Positive activity log and explanations #1
Week Four	<p><i>Topic:</i> Positive emotions and resilience</p> <p>Positive exemplars</p> <p><i>Optional Guests:</i> (Attorney exemplars)</p>	<p><i>Readings:</i></p> <ul style="list-style-type: none"> • Peterson, Chapter 3: Positive Emotions, pp. 56-73 • Peterson, Chapter 4: Consequences of Happiness, pp. 94-100 • Peterson, Chapter 5: Positive Thinking (omit exercise pp. 131), pp. 105-134 • Reivich & Shatté: Learning ABCs, pp. 65-94 • Concentration Practice memo (handout) • Baker & Brown, On Engagement: Learning to Pay Attention (handout) <p><i>Journals due:</i></p> <ul style="list-style-type: none"> • Most helpful reading • Positive activity log and explanations #2 • Resilience recollection • Concentration practice • Preparing for research presentation – Part A
Week Five	<p><i>Topic:</i> Character strength as a foundation for successful and ethical practice</p> <p>Optional guest: (Coach with experience in VIA survey)</p>	<p><i>Readings:</i></p> <ul style="list-style-type: none"> • Peterson, Chapter 6: Character Strengths, pp. 142-46; 157-62 • VIA character strengths list • Biswas-Diener, The Courage Quotient: How Science Can Make You Braver <p><i>Journals due:</i></p> <ul style="list-style-type: none"> • Most helpful reading • Positive activity log and explanations #3 • Three good things • Concentration practice • VIA survey (Parts A, B, and C) • Exemplar

Week Six	<i>Topic:</i> Developing character strengths and courage	<i>Readings:</i> <ul style="list-style-type: none"> • VIA materials distributed last class • Biswas-Diener, <i>The Courage Quotient: How Science Can Make You Braver</i> <i>Journals due:</i> <ul style="list-style-type: none"> • Most helpful reading • Concentration practice • VIA survey (Parts D, E, and F) • Courage journal (Part A) • Preparing for research presentation – Part B (Mental contrasting)
Week Seven	<i>Topic:</i> Understanding personal and professional values	<i>Readings:</i> <ul style="list-style-type: none"> • Peterson, Chapter 7: Values, pp. 167-87 • Reivich & Shatté, Chapter 5: Avoiding Thinking Traps, pp. 95-122 <i>Journals due:</i> <ul style="list-style-type: none"> • Most helpful reading • Concentration practice • Courage journal (Parts B & C) • Values journal • Letter to a future student • Strength resume (draft)
Week Eight	<i>Topic:</i> Understanding moral frameworks that may guide decisions	<i>Readings:</i> <ul style="list-style-type: none"> • Excerpts from Haidt, <i>The Righteous Mind</i>: <ul style="list-style-type: none"> • Moral foundations of politics • The liberty/oppression foundation <i>Journals due:</i> <ul style="list-style-type: none"> • Most helpful reading • Concentration practice • Moral foundations
Week Nine	<i>Topic:</i> Responsibility to others with a focus on interpersonal relationships	<i>Reading:</i> <ul style="list-style-type: none"> • Peterson, Chapter 10: Positive Interpersonal Relationships, pp. 249-272 <i>Journals due:</i> <ul style="list-style-type: none"> • Most helpful reading • Concentration journal

		<ul style="list-style-type: none"> • Cognitive Reframing • Active-constructive responding
Week Ten	<p><i>Topic:</i> Responsibility to others</p> <p>Team Strengths</p> <p><i>Optional Guest:</i> (Coach with expertise in use of VIA with teams)</p>	<p><i>Readings:</i></p> <ul style="list-style-type: none"> • Reivich & Shatté: <ul style="list-style-type: none"> • Detecting Icebergs, pp. 123-44 • Challenging Beliefs, pp. 145-67 • Putting It in Perspective, pp. 168-85 • The Fast Skills, pp. 186-214 <p><i>Journals due:</i></p> <ul style="list-style-type: none"> • Most helpful reading • Concentration journal • Eulogy journal (also see Peterson) • Your favorite restorative activity • Your favorite poem
Week Eleven	<p><i>Topic:</i> Responsibility to others</p> <p>Empathy and compassion</p> <p>Delivering bad news well</p>	<p><i>Readings:</i></p> <ul style="list-style-type: none"> • Haidt, Chapter 10: Why are we so groupish? pp. 219-255 • Reivich & Shatté, Chapter 13: Resilience for Life, pp. 305-21 <p><i>Journals due:</i></p> <ul style="list-style-type: none"> • Presentation journal update • Strength Resume updated • Most helpful reading • Concentration journal
Week Twelve	<p><i>Topic:</i> Responsibility to others: justice and the wider community</p> <p><i>Student Research presentations</i></p>	<p><i>Readings:</i></p> <ul style="list-style-type: none"> • Peterson, Chapter 11: Enabling Institutions, pp. 275-301 • Makransky readings (handouts) • Memo about presentations <p><i>Journals due:</i></p> <ul style="list-style-type: none"> • Most helpful reading • Contemplation journal (for this journal substitute the exercise from class and report about trying it 3 different times). • Delivering bad news well • Befriending a stranger • Appreciating an adversary

		<ul style="list-style-type: none"> • How do you want to make a difference?
Week Thirteen	<p><i>Topic:</i> Telling your story: Part 1</p> <p><i>Student final paper presentations</i></p>	<p><i>Reading:</i> Final paper instructions</p> <p><i>Journals due:</i></p> <ul style="list-style-type: none"> • Presentation summary (this is a one-page summary to give to the class at the conclusion of your presentation summarizing the key points you want to make) • Contemplation journal (Undertake the exercise from last class along with concentration practice so as to have the experience of both).
Week Fourteen	<p><i>Topic:</i> Telling your story: Part 2</p> <p><i>Student final paper presentations</i></p>	<p><i>Journals due:</i></p> <ul style="list-style-type: none"> • Presentation summary • Summary Contemplation Journal (Looking back over the course of your work, summarize what has been helpful to you, what progress you have made, and how you intend to carry on with this or a similar practice in the future.)
Week Fifteen	<p><i>Topic:</i> Conclusion; Final Paper</p>	<p><i>Assignments due:</i> Final paper saying how you will use your learning (including your final poster, prior journals as the appendix) and anonymous final feedback form are due by [date/time] but may be submitted earlier.</p>

APPENDIX B

Journal Assignment Description

Teaching Note: Setting forth and managing expectations and course requirements is important at the outset so that students are clear on what is expected of them. The syllabus would be too long if the assignments were contained within it, so instead, the assignments are broken up appropriately. Not all journals in the course are included, but those included in Appendix D are roughly in order, put separately, and then recapitulated in a separate calendar to be provided where they can be seen over the span of the course. For journal entries, a separate memo is provided below. Teaching notes may either precede or follow the student materials as may be appropriate.

Journal prompts and background commentary on journal writing and related activities:

1. Journals as means to important ends. As indicated in the syllabus, much of your written work will involve the legal skill of self-evaluation in the form of journal entries building to a final presentation and paper. These journal entries also help you demonstrate other important attributes of a good lawyer such as timeliness and diligence.
2. Journals are short and formatted uniformly. You will find that most of the journal entries are brief, and spaced out over the term. In general, however, follow the format of this introductory note in all writing:
 - 12-point font.
 - Double spaced with no extra lines between paragraphs.
 - Right hand margins not justified.
 - Bold-faced headings so they will be easy to read and so that you can refer to your entries later.
 - This is consistent with APA format.
3. Submitting Journals. Bring your journal entries to submit in class, but retain a copy for yourself (electronic or otherwise) as you will need them to write and submit your final paper.
4. Journals should capture key ideas you want to remember. You will find your journal entries easier to write if you attempt to make them brief and conclude with a summary of the key takeaway. Your goal should be to retain insights that will be useful to you later.

5. Start small to avoid procrastination. One of the ways to avoid procrastination is to commit only five minutes to begin your work. Once underway, you can usually get much further than you think.
6. Use readings as opportunities for reflection. When the reading is cited, use it as a source for reflection; it is not much help simply to restate or summarize a reading, unless you can link it to an experience or a reflection.
7. Draft journals, then revise as needed. When writing a journal entry, you may find it helpful to prepare it in draft form regarding an experience or reading while it is still fresh, even though the more polished writing may not be due until later. Research indicates that brief handwritten notes later transcribed and rethought have a more durable impact.
8. Some journals will recur. Some writings will be unique, whereas others involve reporting on activities that are repeated frequently to help it become a useful habit, rather than an experiment.
9. Experience and scholarship should inform each other. Some of the most successful journal entries combine experience and readings so that both can inform each other. Therefore, if you cite your reading in your journal, please include enough information about it so that it will be clear. For example, a citation simply like “Peterson, 2006, pp. 10” may be accurate, but does not provide sufficient information to provide a context and rationale for the citation.
10. Break journals into smaller parts. Note that because you may also be referring to a journal entry in your final paper (described in more detail below), it will be helpful for you to break it into smaller paragraphs which should be numbered consecutively like the following generic example:
Journal: ABC Experience [*insert your name*] [*date due*]:
 1. I recall the time that . . .
 2. I believe I succeeded because . . .
 3. On reflection, I learned . . .
11. Journals require ongoing commitment. Finally, this course is designed to help expand your capabilities measured only against your sense that you have given every assignment your best efforts. The objective is so that you will be able to grow in ability, which will require increasing challenges, like playing more difficult music in practice or adding weights to the bar in weight training. It also means making an early decision to attend every class and to do every assignment to the best of your abilities so that excellence in your practice during law school can ultimately become excellence in performance when you graduate. If you are

APPENDIX C

*First Class Assignment***Assignment for First Class: Positive Introductions**

For our first class, come prepared to share an experience where you were at your best. It need not involve the law. Be prepared to describe the situation as best you can, with specifics about what you did, and how you felt, as well as what others did in response, and how they felt (if you know). Also, be prepared to describe why or how this experience illustrates you as your best self, if you have a sense of that. If you feel it necessary, you can alter identifying features, such as names, circumstances, and occupations, as may be appropriate, to enable you to easily report it to your colleagues in the course, who will be asked to introduce you to the class.

You can refer to our course textbook *A Primer in Positive Psychology* by Dr. Christopher Peterson, pages 25-28, for more on the basis for this assignment and an example. Make sure you attend the first class because it lays down a foundation for what is to follow, as each class builds on the one before. While class absences are permitted, students who do miss class are asked to do an additional written assignment instead. More guidance about these and other aspects of the course will be forthcoming at the first class. Basically, you will do presentations and write short journal entries for each class based on course materials and experience, which form the basis for a short final paper in place of an examination.

Teaching Note: What may be different about the use of the positive introduction in this course is that the students take turns in introducing the other person. This allows the stories to be told, but then retold, and the first speaker validated. One of the important principles of the law is a meaningful opportunity to be heard. Having the student introduced by another person means not only that the first student gets a chance to speak, but also the student is assured of an opportunity to be heard. Both are important for building stronger interpersonal relationships. Having the students tell their stories to a partner in the class that they do not know allows them to get to know their colleagues, and vice-versa, as well as enhance their attentiveness because they will in turn introduce another colleague to the class, accurately representing what was said. This element is echoed, like a theme and variations in music, later in the course during presentations. Each of those listening will be given a one-page feedback form where they record what they understood and any helpful suggestions they may have for the speaker. Some of the questions are based on Dr. Martin Seligman's book, *Flourish: A Visionary New Understanding of Happiness and Well-Being*.

APPENDIX D

*Selected Journal Assignments***Journal 1: Why Do You Want to Take This Course?**

Why do you want to take this course? Be as specific as you can. To help prompt your response, please answer the following questions:

- What made you want to be a lawyer? Answer any of the following that apply or provide your own response:
 - Are you doing something you feel well suited for?
 - Did someone see something special in you and encourage you along?
 - Did someone tell you that you did not have what it takes to be a lawyer, but you are determined to prove that person wrong?
 - Was there an injustice that outraged you that you now want to correct?
- In other words, what supplied the **energy** to persuade you to come to law school and seek to enter the legal profession?
 - What issue, concern, or opportunity have you encountered in the past, or are you focusing on now, or to which you aspire in the future, that has brought you to this course where you hope it might be helpful to you? Since you are just getting underway, you can simply talk about what interests you.
 - What do you hope you will gain from this course?

Journal 2: Positive Introduction Report

Here, you can record the key qualities your colleague observed in your Positive Introduction and can build an inventory of your strengths going forward, including an illustration of that strength. For example, you could write: “I heard that I possessed courage because I stepped up to respond to the needs of . . .”

Pick the top three qualities that were reported back to you that you believe are the most representative of your strengths and record them along with the “evidence” for them in a brief Positive Introduction Report.

Journal 3: Most Helpful ReadingDue in class each week reading is assigned

Please select one or two brief excerpts from the course readings for the week that were most relevant to you and will be helpful to you going forward. Write a brief journal entry about that reading and explain why it was so relevant and helpful to you; be prepared to report on it to the class.

For example:

1. I found most helpful the idea of [x, y, z] set out in [book or publication] at [pages #].
2. Here is what the author(s) wrote that resonated with me and my aspirations to become a lawyer . . .
3. Here is why the idea is so important to me . . .
4. Here is how I hope to make use of the idea going forward . . .

Journal 4(A): Positive Activity Log

Bringing you to your best self involves reinforcing what you have learned by using it in the future and developing some positive habits over time through regular practice, just as you would practice learning a sport or playing a musical instrument. Several exercises that you will be introduced to are designed to grow in value with continued use, so that they become something you miss when you do not do it, like brushing your teeth. Other activities will be more familiar to you as you will be asked to plan a part of your day for activities you enjoy.

Maintain your Positive Activity Log—which will include a summary about key aspects of the prior week, each week for the next three—and turn it in. You will use it for your final paper, together with a summary report of how it has gone for you. Good habits take time to develop. A blank copy of this log is available in Excel format.

The idea of a Positive Activity Log builds on what attorneys are used to doing, which is record time spent on a client matter. Here you should imagine you are doing the same, but you are the client in this situation. You will see that the Positive Activity Log has two dimensions. The first dimension involves time spent on activities that can strengthen your own well-being and the well-being of others. The second dimension is qualitative which will become clearer to you as you work with the logs later in the course. You can use your own examples and elaborate on them according to the prompts that follow the log. The point is simply to keep track, as recording helps remind us to do something.

For example, as part of this log, please report what you do for regular exercise. As part of the course work, you should arrange to go for a walk or some form of regular exercise each day, even six minutes (1/10 of an hour, like an attorney would bill). A little can go a long way in beginning to build a habit. If you have not done it regularly, then even this little start can help. In summary, if you used to do it, it is a habit to renew. If you are doing it, keep it up.

Positive Activity Log					
[Date]					
[Name]					
Practice Quantity					
	Exercise	Contemplation	Recovery Downtime /Sleep	Positive Relationships	Serving Higher Purpose
[time in tenths of an hour]	(especially outdoors)	(meditation, yoga, prayer)	(breaks, rest; sleep)	(shared meals, conversation; hand written notes)	
Week [1, 2, [dates...]]					
Wednesday					
Thursday					
Friday					
Saturday					
Sunday					
Monday					
Tuesday					
Total					
Positive Psychology for Lawyers- Practice Quality					
Activity	Expressing Gratitude or Appreciation	Strength Use or Spotting	Cognitive Re-appraisal of Own Thoughts or Helping Others with Theirs	Empathizing with Others (Rejoicing or Consoling)	Caring for Others

[examples]	(Three good things; finding merit in something said or done)	(Appropriate use of yours or others)	(ABC or thinking traps)	(Rejoicing with glad tidings or consoling)	(Including compassionate report of bad news)
Wednesday					
Thursday					
Friday					
Saturday					
Sunday					
Monday					
Tuesday					
Summary					

Week:**Name:****Explanation of the week's prior entries:**

Journal 4(B): Specific Practices for the Positive Activity Log

Get Outside in Nature: As part of your Positive Activity Log, you should plan to take advantage of a walk outside to exercise your capacity for mindful awareness of your surroundings. Many of us keep our eyes focused forward as we drive and when we work on our computers. Our ancestors, however, were constantly scanning the environment for either food or threats. The ability to be in our bodies and our physical senses is not something we often do as lawyers. Hence, build yourself an opportunity to go outside, and if possible, look up and around. In our built environment, we live in planes, angles, curves and straight lines. The natural environment is actually varied. Putting some balance in our lives involves reconnecting with the natural world and marveling at what we see; and if you have the time, pick a place where you can see the night sky, too, all the better.

Things You Enjoy for Their Own Sake: Here is more explanation of "good day" activities not otherwise described (see Peterson, pages 43-44). All of us have something that we enjoy for its own sake, preferably non-digital or screen based. In this journal entry, record one or two such things you enjoy doing for their own sake that you hope and expect to do even after law school, if you had the opportunity. Is there something you did before you came to law school that you have stopped doing, but would gladly start again, given some encouragement? Say

something about what it is that makes this activity worthwhile for you. If you are not doing it, and you think it is worthwhile, what is getting in your way? That insight may be useful, as we will explore. These activities may or may not be included in the formal log list. If they are included, you need not duplicate them here, but be sure to gather and savor the good things that you would like more in your life. One of the points of positive psychology is to learn from what works; you are your own best test subject for this purpose.

Contemplative Practice: Finally, log and record your experience with the contemplative exercises briefly in your journal. Because the schedule for these exercises will vary, they are not formally scheduled but will occur from time to time during or outside of class. Here is an example of a sample journal entry as a guideline, which should be shaped by your own experience.

Example: Contemplative practice

1. I spent about ____ minutes on this [concentration/other] exercise.
2. In practicing concentration, I found I was focused on the object of concentration about ____ percent of the time.
3. I found it beneficial because . . .
4. I found it challenging because . . .
5. To enhance the benefits and respond to the challenges, next time I hope to . . .

Journal 5: Resilience Recollection

While this is a course in positive psychology, we all need to respond to negative experiences and how we perceive them. Imagine you are back in your first year of law school, and you are “cold called” to stand up to state the facts and holding of a principal case. As you read the material you suddenly find that you cannot respond. Your instructor waits, and you ask to pass. He pauses, looks at you, and goes on to another student who answers eloquently.

1. What thoughts go through your mind at that time?
2. What will you do that might be counterproductive but also relieves stress or embarrassment?

Record your responses as honestly and as best you can, recognizing that all of us encounter situations for which we feel unprepared. Each of us, however, may respond in a different way, and the purpose of reliving this experience is to learn alternative ways.

If you did not experience such a moment in law school, you can report on a similar incident in another context. If you cannot recall any such incident, then just recall some time when you felt you were not at your verbal best and how you felt, and record that.

The point again is not to revive past miseries but to learn from them. Your answers, along with the answers of your classmates, may be collected and

summarized anonymously to provide a basis for further discussion and learning. If you feel that facts might further embarrass you, feel free to disguise them enough to protect your privacy, but not enough to change the overall responses.

Teaching Note: This exercise is based on the reported work of Stanford Law School Professor Joseph Bankman to help students develop new ways of responding to anxiety, using insights from cognitive behavioral therapy as a source. This is a place where a video clip from *The Paper Chase* may explain much of what is anticipated.

Journal 6: Concentration Practice

Due in class weekly

Note that earlier you were asked to record your contemplative practice as part of your Positive Psychology Log. If you log some contemplative practice other than concentration, however, you will need to make a separate journal entry each week about concentration. Unlike some of the contemplative practice logs, this practice can benefit from separate and distinct treatment so that you can assess your progress over time. Therefore, independent of the Positive Psychology Log, on a weekly basis, please log and record your experience with the concentration practice briefly in a separate journal entry. Because the schedule for these exercises will vary, they are not formally scheduled for you to do, but will occur from time to time during or outside of class. Review the contemplative practice journal you prepared before. It can be used as a guideline, but the entry should be shaped by your experience, and you can aggregate your experience for the week into one entry. The primary thing you want to record is the percentage of time you feel you stayed on the object of concentration during the session. Prepare the journal entry regularly, however, so the experience will be fresh. You should aim for at least three times a week and daily is even better.

Journal 7: Preparing for Presentation on Positive Psychology Research

Each of you has an opportunity to make the insights of positive psychology helpful to you in improving your own life as a law student and as lawyers. What you will be asked to do with a classmate is to present a scientific journal article that might help you do that. You should review not only the article, but also the studies the article cites (or those which later cite to the article), just as you would read a key legal case to find out the precedent on which it relies and what later court decisions disputed or relied upon from the primary case. For example, the article you read describing the study by Dr. Angela Duckworth and others about high school students using mental contrasting plus implementation to prepare for the PSAT test might have application to bar examination preparation for law graduates.

The article topic need not be relevant just for you, however, so long as it is likely to be helpful to those you will serve. For example, techniques for lawyers to achieve better sleep, compassionately listening to clients, or more effective ordinances for the community. When you complete your research, you will make a

brief presentation to the class and submit a poster summary of your talk at the end of the course.

Part A: What do you want to learn more about?

Topic choices: To get you underway, review your initial Positive Activity Log entries to see if there is something that you would like to learn more about, even if the subject is not there at this time. For example, you might be interested in learning more about exercise, or sleep, or the benefits of contemplative practice, or some aspect of the law practice that is of concern to you, such as careful listening. Prepare a journal entry of at least three things of interest to you to learn more about and say why. To the best extent possible, your interest will be paired with someone else of like interests.

Choose among articles of interest: Sometimes a topic does not come to mind until you see an article about it. You will be provided a table with some abstracts of some articles to review. Without having to read them, pick three articles you believe you might like to review. Bring your selections to class. Again, to the best extent possible, your interest will be paired with someone else of like interest.

Part B: Pairing with a partner to work on joint presentation

After you complete Part A, you will be paired with a partner. You should meet with your partner to discuss the nature of your topic and what you want to present. Again, your joint task is to prepare a presentation and a final poster summarizing your research. You will receive instruction from a library staff member about how to go about this research, and later, a separate memo about how to build a summary poster from PowerPoint slides.

After you are paired, your presentation, to be made later in the course, should focus on the following:

1. What is an area of personal interest to you, and why?
2. What part of the research indicates a positive psychology response to your interest? That would be your key source. Please note that your key source need not be one of the original articles you reviewed as samples, but may be one you find which is more focused on the issue of concern to you.
3. Does the key source cite anything that helps you in addition?
4. Has the key source been cited in a later study that helps you? There may not be anything before or after the key source, but if possible, you want to know. For example, the Duckworth article studied high school students. A later article might study graduate students or even law students. It would be important to know that.

You will not able to answer questions 3 and 4 until you have had a chance to respond to questions 1 and 2. Confer with your partner and bring to class a joint journal entry responding as best you can to questions 1 and 2, and be prepared to discuss your response. The answers to 3 and 4 will be due in a later class.

Journal 8: Character Strengths

Parts A, B and C are due in class a week before Parts D, E and F

Part A: Take the VIA Survey of Character Strengths

It is useful to be aware of your own character strengths, as well as how to use them appropriately. To help you do that, take the VIA Survey of Character Strengths, and receive a free report. The VIA survey is based upon work presented in *Character Strengths and Virtues: A Handbook and Classification* by Dr. Christopher Peterson and Dr. Martin Seligman. Here's what to do:

1. Go to the link below and register:
<https://www.viacharacter.org/survey/Account/Register>. This will take you to the VIA survey.
2. Choose to take the VIA Survey-120 (Adult) and complete the survey. It is important for your success that you answer the survey as you believe you are, not as you might aspire to be. Aspirations are worthwhile but you also need a baseline. One good thing about this survey, as opposed to tests like the LSAT, is that the survey asks only about positive aspects of your character, and does not compare you to anyone else.
3. After completing the survey, download your free VIA Character Strengths Profile. Print two copies—one for yourself and one to turn in. Bring both copies to class.

Part B: Initial Strength Reflections

Read the assigned portions of Peterson, not including the exercise on page 158. Then complete the following journal exercise.

Be prepared to talk about your results, particularly those strengths that are most prominent for you. Reflect upon the top strengths in your list. Here are some questions to guide your reflection in advance of class. Please write your answers as a journal entry.

1. My top five reported character strengths are . . .
2. Of these, I believe my “signature strengths”—that is, those that I celebrate and regularly apply actively, rather than reactively—are . . . ²²⁰
3. Here is one of my signature strengths . . .
4. Here is a story or an image that helps explain what this strength means to me and where it might come from in my family, culture or otherwise . . .

220. Our strengths can manifest in different degrees in different situations. For example, we can be kind to a child, but less kind to a stranger, though not necessarily hostile. Signature strengths tend to show up in multiple contexts. One way to figure out what might be a signature strength is to imagine going for a week without exercising it. For example, if you feel creativity is one of your signature strengths, imagine not being creative at all in what you do but still going through the same routine. If the absence of the strength is something you find difficult to imagine doing without, it is likely to be high up in your list (with thanks to Dr. Ryan Niemic).

5. Here is one example of how I have used this signature strength in recent weeks . . .

Part C: Inferring Your Strength

Part of your learning is to get a clearer idea about who you are when you are at your best. Those occasions may seem rare, so take a few moments to reflect on the circumstances when you feel things are going well for you, and learn from that as well. Give two examples of times in the recent past where you felt good about what you did. Tell what they were, and why you felt that way. Now look back at those examples. What strengths (and they need not be the same) were you using? Why do you think so?

Part D: Getting Strengths Feedback from Others

It is often helpful to see how others see us, as well as how we see ourselves. Using the form distributed in class (which helps others report about you), ask three or more friends or family members to report what strengths they have observed in your actions, giving examples if possible. Please record those results in a journal entry comparing their reports with what you saw in the VIA survey so that you are not only clear on what they saw, but also how they saw it displayed. For example:

1. My best friend said that I had strengths of A, B, and C. My friend said that I showed strength A when I . . .
2. My colleague said that I had strengths B, D, and E. My colleague said that I showed that strength when . . .
3. [. . . and so on; the more people involved usually the better]

Part E: Use a Signature Strength in a New Way

Read the exercise at Peterson, pages 158-59, and as he indicates, take one of the signature strengths you have identified and use this strength in a new way every day for the next week. Record what you did each day in a brief journal entry and what effect it had, to the best of your memory.

Part F: Your Less-Used Character Strength to Develop

Examine the other strengths that might not be your signature strength. Is there one you find you use less often that you would like to develop further? Is there a way that you can do so, drawing on some readings to be provided to you? To help you get started, please write a journal entry along the following lines:

1. My least used reported strengths are: [list in order of lowest first].
 2. Of these, I would like to develop the following strength further . . .
 3. Here is what I understand that strength involves (citation to the readings)
 . . .
 4. Here is a situation where using that strength might have been of help in the past . . .
 5. Here is how I hope to develop this strength further . . .
 6. Here is how I hope to use this lesser strength going forward . . .
-

Journal 9: Exemplar

Write a brief account about a person whom you admire, even if that person may be involved in a modest role and without fanfare. Take care to include the personal qualities that inspired you to choose this person as a positive role model for you. This person can be a family member or a historical figure, but does not necessarily have to be a lawyer. Be as specific as you can about *what* you admire about this individual and *why* you admire those qualities, including those character strengths you observe. Also, you may want to have an idea of how this person might act in multiple situations while exemplifying that strength, if you can.

Journal 10: Three Good Things Report

Read Peterson pages 38-39 describing “Three Good Things.” At the end of the day, write down three good things for which you are grateful. Keep these notes and summarize them in a journal entry for each day of the week. A template like this one can help:

Date	What are you grateful for?	Why did this happen?

Journal 11: Strengthening Positive Activity Through Mental Contrasting Plus Implementation

Assuming you graduate in due course, thereafter, most of you will take the bar examination in some jurisdiction. Many of you will take the professional responsibility portion during law school. So how do you maximize your chances of success when there is something you want to do, whether it is a major accomplishment, like passing the bar examination, or a more modest one, like preparing a presentation on your research for this course, or even an assignment due next week?

Earlier in the course you read the article by Dr. Angela Duckworth and others about mental contrasting plus implementation. As a way of exposing you to a modified use of this technique to aid your success, please follow these instructions and record your results in a journal entry as requested below.

1. Pick some activity from your Positive Activity Logs, or your homework assignments, that you want to undertake over the next two or three days. It should be something that you care about, challenging, but possible. Write about it and why it is important for you to do it, including your goal and reasoning for accomplishing it. This is your “Wish.”
2. What would be the best outcome of meeting this challenge? How would you feel? Take some time to imagine this positive outcome as fully as you can. Then write your response in a few words. This is your “Outcome.”
3. Reflect fully on what internally might be holding you back from achieving your goal, and then write about this obstacle in a few words. When and where might this obstacle arise? This is your “Obstacle.”
4. What is one effective action you might do that can help you overcome your obstacle? Write the obstacle and response as an “if, then” statement. For example, “If I [obstacle], then I will [action]. This is your “Response.” This part is key—it sets up a pre-planned response, rather than relying on having the right action in mind at the time when it is most needed. As you proceed, you may find that the obstacle will become clearer, or the response clearer, or both, which will make your action plan more successful.
5. Put your action in concrete terms, and put it on your calendar. This is your “Plan.”
6. Tell someone else you care about what you plan to do, and orally verbalize the “Plan” that you wrote down. This is your “Commitment.”
7. Write how successful you were this week in meeting your challenge, and what you will do in response:
 - What worked well?
 - What might you do differently?
 - Repeat steps 1-6, and try again.
8. Finally, report how well this process worked for you.

For example:

1. I want to prepare for a talk to give next week. (Wish)
2. Being prepared will help me be more confident. (Outcome)
3. Here are some obstacles that could get in my way, such as responding to urgent tasks during the day. (Obstacle)
4. If I find I am getting bogged down in other urgent matters, I will pause to reset a time to do this work. (Response)
5. To minimize that obstacle, I will set aside time from 7 a.m. to 8 a.m. on Tuesday to prepare my talk in case urgent matters arise later in the day. (Plan)
6. I will tell my good friend that I am going to be tied up from 7 a.m. to 8 a.m. on Tuesday to prepare. (Commitment)

Teaching Note: This technique, known as mental contrasting plus implementation, has been used in a number of contexts as indicated earlier in the Article, but, to the best of my knowledge, not yet in bar examination preparation.

Journal 12: Courage

Part A is due a week before part B and C

In his book, *The Courage Quotient*, Dr. Robert Biswas-Diener points out that courage is often displayed in overcoming a personal fear, either by controlling the fear or increasing the willingness to act, or a combination of the two. Sometimes you can benefit from joint action, but for the moment focus on yourself. His book elaborates useful ideas with which you should be familiar. To take advantage of your capacity to be courageous as an attorney when the occasion requires, please prepare three journal entries.

Part A: Recall a time when you felt you were courageous. Was it personal or general? What happened, and can you reconstruct it in terms of both the fear and the willingness to act? As an example of such an event, Dr. Biswas-Diener reports the story of an attorney who refused to prepare a document with a term providing for an unfair advantage to his client. Tell your own story, citing to *The Courage Quotient* as appropriate.

Part B: Describe a situation where either your fear was too great or your willingness to act was not great enough, but it was important enough to you that you should have been able to act when you needed to. Drawing on *The Courage Quotient*, please describe one or more ways you might manage your fear, and one or more ways you might increase your willingness to act, so that you can increase your likelihood of being sufficiently courageous. To give an example from the book, visiting the site of a talk without an audience can help reduce the fear of facing the same space later filled with people waiting to hear you speak. Or having a talisman in hand may give you the confidence boost you need. Remember Dumbo and the magic feather? Or it might be from assuming the role of a lawyer where duty requires you to take risks that you would normally not as a layperson.

The point of these two entries is not to prescribe an example, but to help you to examine your own past successes for clues as to what works for you, as well as prompt you to try something new if it might help you succeed.

Part C: Finally, it may be possible to increase your capacity for courage by taking small steps when the stakes are low. Conclude your journal in Part C with one or two modest but regular actions you could take that might raise the baseline of your capacity for courage in some domain where the risks are low but still daunting. For example, addressing a small group as a way of getting ready to address a much larger one. Or introducing a deliberate error, as Dr. Biswas-Diener suggests, so that you can understand that error is possible, but need not be decisive. The point of this Part C journal entry is to explore how modest, but steady, action can help you develop your capacity to be a courageous attorney, while recalling the

old expression that there “is no growth in the comfort zone and no comfort in the growth zone.”

Journal 14: Letter to a Future Suffolk Law Student

Many people come to law school not only to better themselves but also to make the world a better place.

With your partner taking notes for you, explore how you think the world could be better. You may find it helpful to think about what might not be working well or what is going well that could be even better. As lawyers, we are used to drafting complaints; at the end of the complaint, there is always the request for judicial relief, such as an injunction or damages. So, for example, if you think you would like to use your learning to make the world a better place, what does that mean in terms of actions and by whom? You need not worry that this will be a challenge, only that it is a goal that moves you personally. You can use the form provided to take notes to give to one another.

When you are done, prepare a journal entry on your result. In it, you should report your findings in the form of a brief note to a successor in this course that you would be willing to share with another student later, even one you do not know and may never meet. It should be anywhere from two to four sentences of your own words, and handwritten, if you can. If you are willing, please put your name at the top and sign it, too. A copy can be made for you.

For example:

Journal [x]. To a future Suffolk Law student from _____:

If you are reading this note, you are likely to be working hard on completing your studies. If it might be helpful to you, I want to offer you some encouragement. Of course, you should follow your own star, but I believe that my learning in law school will not only help me be the person I want to be, but also help me make a positive impact on the people around me and the society I will live in. Here is why I think so, and I hope it may be useful for you as you shape your own future after law school.

Journal 15: Strengths Resume

A Strengths Resume focuses not on the jobs you had or the education you received, but your strengths in action. Here, you want to give one or two specific examples to illustrate a strength of yours, like the facts of several legal cases can be used to illustrate a general principle.

As a way of helping focus your discussion, imagine you are in the final stages of a job interview before a senior partner of a law firm. You know that to reach this stage, the candidates have all demonstrated legal skill and ability, as well as the requisite academic credentials. The hiring decision will be made on what you can bring to the role beyond that base level of skill. You want to talk about when you are at your best. But like a good lawyer, you want to be able to cite

authority. What are you going to say? Say it to your partner, who will take notes for you.

Partner, your role is to be an appreciative listener. The following are examples of some things you might say, and are simply ways to help you draw out your partner who may be a bit bashful, since we are not used to tooting our own horns:

1. Tell me about what you believe is your greatest strength.
2. That sounds great. Can you tell me more?
3. Can you give me an example of it in action?
4. Can you be even more specific? What was the context?
5. What about another strength?
6. That's also great. Can you give me an example of it in action?
7. And so on . . .

When you are done, give your notes to your partner and ask the partner to look them over and make any edits he or she desires. When all is done, you will take the notes made for you by your partner and build a strength resume for yourself. Bring it to class.

**Journal 17: Building Positive Relationships: Active-Constructive
Responding**

Read Peterson, pages 271-272. Record at least *two* times when you consciously engaged in active-constructive responding with someone you care about. How do you think this positive response affected your relationship?

**Journal 18: Cognitive Reframing: Using our Legal Analysis Skills to our
Advantage**

An insight of modern psychology is: what we do is influenced by what we think and feel, and in turn, may be influenced by outside events or as we perceive them inside. Or put more simply: what we think influences what we feel and do.

Sometimes our reactions to events are influenced by our default frame of mind, or by the specific context and how we think about these events in the moment. For example, if you see someone you know and wave hello, if they do not wave back, what conclusion do you draw? If we are optimistic in our general frame of mind, we may assume the friend did not see us. If we are pessimistic, we may assume our friend is no longer our friend. Neither may be true, but our mindset can presume a reason. Sometimes remembering a simple string of letters can help this process: A-B-C. *A* refers to the *activating* event. *B* refers to the *belief* that the activating event may trigger. *C* stands for *consequence*—an emotion or action that arises or flows from the belief.

Returning to the initial example, a wave to a friend that is not returned is the *activating* event. Your *belief* might be that your friend is angry with you. The *consequence* might be you feel sad or angry. So please prepare a journal entry in three parts:

Part A: Recall a time when you experienced such a train of thought, which in retrospect, you feel might not have been optimal for you.

Part B: See if you can reframe the same situation to imagine how, if you had caught yourself in time, you might have had an alternative belief, and then an alternative response. For example, you might believe that your friend simply did not see you, and therefore the appropriate consequence would be to go up and say hello.

Part C: Specifically, write about an example where you experienced an activating event after you had learned about the A-B-C technique:

How you might have responded before?

How you did respond, using the model of reflecting before acting?

*

Background Note: Sometimes the belief is negative, and sometimes it can be positive, depending on how we perceive it. For example, sometimes a problem comes up. It may, like the example you cited in an earlier journal, lead to an adverse belief and subsequent action. On the other hand, if you can stop and think you may be able to reframe the experience as a learning opportunity, or as an obstacle to work around, rather than as a barrier, then it would not have had such a powerful effect.

The exercise is to reflect if there is a time you got caught in a similar cycle, and also to consider how, or if it were to happen again, you might use an enhanced awareness of this process to respond, rather than react in the moment to either avoid a greater difficulty or realize a potential opportunity. One way to frame the self-awareness task is to view it like fishing, where the beliefs are elusive, but if we are quick, we can catch and then release them to be replaced by beliefs that might be more helpful to us. Catching a swift belief-fish can be thought of as a cue to use the technique. Lawyers have an advantage because they are used to disputing points that they encounter from opposing counsel. An attorney might be able to offer such disputing advice to a friend who consulted her with a problem, but in situation where the friend is absent, the attorney needs to be his or her own coach.

To give another example, suppose you are in the midst of an important phone call, and at a critical moment when you are asking for confirmation, the line goes dead. If it matters a lot to you, you may find that you are making all sorts of assumptions about the other person, rather than that the call was simply dropped. On the other hand, if it is landline, you might have a different interpretation.

When the thought, emotion, or physical response hits, it is hard to stop moving quickly enough to react. See if you can stop the train of thought before it leaves the station, and ask if there is any information you want to have before going further. Sometimes, one way to accomplish this is by linking our mind to our body.

When an emotional response takes over, we sometimes feel powerless, but pausing and counting, even counting five breaths in a row, is enough to have something to focus on, and may provide enough mental space to allow your natural curiosity to become engaged. Remember Thomas Jefferson, who is quoted as

having said, “When angry count to ten before you speak. If very angry, count to one hundred.” That does not mean we should ignore harm, real or perceived, it is just to save our power to react for the times and circumstances where it is most needed.

Journal 19: Eulogy

One of the most helpful ways to shape the purpose that informs your life as a lawyer is to imagine it in reverse, even though most of your life has yet to be lived. Imagine you were hearing a eulogy at a memorial service, only it happened to be about you, after a long and meaningful life, even if there were some bumps along the way.

To get started, describe to your partner what you would like to hear as your eulogy in class. What would you like the speaker to say? Your partner should take notes that will be returned to you. Now switch, and do the same for your partner. Then, using the notes you received, write the first draft of your eulogy. Once you are done with your draft, watch this TED talk presented by David Brooks:

https://www.ted.com/talks/david_brooks_should_you_live_for_your_resume_or_your_eulogy?language=en

Then, edit your eulogy into a second draft, and make it into a journal entry to bring to class.

Journal 20: Your Favorite Restorative Activity

In class you reported on an activity that you like to do that helps restore you.

1. What is it?
2. How much of it did you do last week?

Journal 21: Your Favorite Poem.

We can learn a lot from literature, especially about ourselves as we often choose works which resonate for us. Poetry is also instructive because it offers a chance to point out the best in the human condition in a few brief words that invite immediate contemplation. For example, Chinmoy (2006) offers brief but powerful guidance that durable human flourishing grows organically from caring for others: “Eternal Happiness / Grows on / Life’s Service Tree.” Thus both law and ethics are informed by writing and by literature. Choose your own poem and write why it speaks to you.

Journal 26: Befriending a Stranger

Part A:

1. All of us have a circle of concern. Read the short blog post by Boston College Professor John Makransky provided to you. Think of someone

who is not currently within your circle of concern and how you might bring him or her within it.

2. Write a brief journal entry about how you demonstrated regard for that person, acknowledgement and appreciation for him or her, and how it affected both of you.

Part B:

Write a second brief journal entry on that person (whose identity can be concealed) and the good qualities you find in him or her, notwithstanding your concern. Note that you are not being asked to like that person, but simply to be open to finding merit in some aspect of what they say or do. As attorneys, we often take sides, but we also need to be able to reach out to adversaries to resolve matters, even when our clients may not yet be able to do so. Record how it felt to look for something positive in this person. Can you imagine you expressing that positivity to him or her directly? If so, how? Note that you do not yet have to take this step, but you can explore in your mind how it might work.

Journal 28: Delivering Bad News Well

In the case of bad news, we often get caught in anxiety about how we are doing and lose sight of the other person and how they need to be treated. Doctor Chris Feudtner is a pediatric palliative care physician and researcher in Philadelphia, PA (<http://www.chop.edu/doctors/feudtner-chris>). Dr. Feudtner spoke to the Master of Applied Positive Psychology class at the University of Pennsylvania in January of 2016 about a protocol he has evolved for undertaking one of the hardest tasks imaginable: telling parents their child is going to die from cancer. His method, which he authorized me to share with students at Suffolk University Law School, is important because it involves being aware of the other person and his or her difficulties, rather than trying to ease our own pain in giving bad news. Dr. Feudtner's protocol also involves giving the bad news recipients as much control as possible over timing and location so that the recipients do not feel like they had no choice or role to play. Most importantly, Dr. Feudtner emphasized that this protocol comes out of a place of compassion, and out of caring for the person involved. We have to be fully present and real to the other person, and not just hide behind our lawyer persona.

Dr. Feudtner summarized his protocol in the following three steps, with the understanding that each situation may require some adaptation to fit it. Comments after the underlined words are my summary of my best understanding of his advice at each stage of the process.

1. Prepare to deliver the bad news: Visualize how you will do this delivery; remember that your anxiety is not what is important, though you have to recognize it. The important thing is to respect the person receiving the bad news and the fact that person may have limited mental bandwidth to absorb all that you are telling him or her.

Make a plan: Think out these steps in advance. You would not go to trial unprepared; why do so here?

Get the setting and people right: Who should be there with you and the person receiving the bad news, or who that person may or may not want around? Where will it take place? Sit close to, and at the same level as the person if you can, rather than behind a desk, unless you have legitimate security concerns. Make sure you look the person in the eye, unless it is uncomfortable for that person for some reason. It is about the client, not about you.

2. Deliver the bad news:

Briefly recap the situation: Don't recapitulate his or her whole life; a recap can be thirty seconds to a minute, maximum, of how the person came to you and what has happened since. ("You remember when you first consulted me about _____, and then we did . . .")

Provide a warning shot: This step is important because it gives the person a chance to become prepared. ("I think we should talk candidly about your case. I wish the news were different. Is this a good time to talk? Do want someone else with us? Where would be easiest for you?")

State the bad news simply: Be forthright and straightforward, something you hopefully said you would do at the outset of your engagement, so it is not a surprise when you actually do it. Do not just say things to fill the airtime simply because it is painful news for you to deliver.

Allow silence: Often we get anxious and want to fill the silence; don't. The person needs time to digest what you have said without the distraction of your talking.

Acknowledge the person's emotion, if it is obvious: Be prepared to accept what they say and not argue with it, though argument is what we often do as lawyers. Be sensitive and take care not to impose your assumption about how you would have reacted on the other person. Even if it is not obvious, you can empathize with their situation. ("I can appreciate how you may feel upset," or "I wish it were otherwise.")

Answer questions the person may have: Again, be straightforward and to the point.

3. Follow up:

Formulate a next-step plan: Note that it may be important to separate the bad news from what is to be done to follow up. The person will often need time to absorb what you have said and the next steps will get lost, misunderstood, or otherwise not be optimal. We are often anxious to get past the bad news so that we may discuss something we can do about it. Let the bad news sink in. When you do have a proposed plan, simply state what will happen next. Note that the plan may involve decisions by the other person. Allow time and space, if necessary, for that conversation to go on. Also, respect the fact that the good news that person may have hoped for will be difficult to let go of. Nevertheless, the person may have, upon inquiry, a back-up goal you may be able to meet, such as mitigating the impacts of what might happen next or providing an alternative course of action.

If you have to leave to see someone else, do so, but do not abandon the person: Have someone who can stay with the person if need be. Otherwise, this conversation looks like a hit and run accident.

Debrief with someone else: Speak to someone who can offer you a way to deal with your own anxiety in being the bearer of bad news. This person may also be able to help you see if you left something out that is important.

Dr. Feudtner suggested that you try out this skill on a less important problem until you get the hang of it. For example, at a dinner date:

“Dear, remember we planned to go out to dinner tonight?” (*Recap*)

“I called the restaurant and I have news I wish I did not have to tell you.” (*Warning shot*)

“They don’t have reservations for tonight.” (*Bad news*)

[Silence]

“I know you are disappointed.” (*Empathy*)

“Are there are other places we can go? Want to think about it?” (*Choice*)

“How about we try . . . ?” (*Plan*)

For this journal entry, you are not obligated to find bad news to deliver. Be on the lookout for it, however, if it occurs, and again, make it low risk bad news. Try to follow the steps recommended and report the results in your journal, altering details as you desire to protect privacy.

Journal 29. How Do You Want to Make a Difference?

Looking back now at all your work so far, how would you most aspire to use your legal education to make a positive impact on your community? We may not be able to have, like Thomas Jefferson, on our tombstone that we authored the Declaration of Independence, but we all have an opportunity, especially as lawyers, to serve something larger than ourselves. You are not bound by the choice you make, but if you had to say what you want to do in the time it takes to shake hands, what would you say? Then you can elaborate on it.

APPENDIX E

Enhancing Your Capacity to Pay Attention

Each of you has the capacity to do well or you would not be here. At the same time, legal education, not to mention law practice, can be personally challenging, even with a strong understanding of the relevant substance and procedure.

Part of your legal skill is the ability and willingness to be prepared to reflect on your experience and learn from it. One way to do that is to enhance your capacity to focus your attention with limited distraction, which can complement, though not substitute for, your substantive understanding. If you can learn how to do that better, you can respond to challenging assignments with more of the full power of your intellect. You can also develop your important strength of self-regulation. Here's how to undertake this practice.

First, get into a comfortable but alert posture with your spine and neck relatively straight. Close your eyes half-way or beyond so that light still comes in but all objects in the visual field begin to fade so as not to be distracting themselves. Then, begin by paying attention to what is sometimes called the "felt sense" of the body in the posture you have chosen. When you can isolate and pay attention to how your body feels, that will help provide a base object of concentration. Then, as your attention is interrupted by thoughts or sensations, gently redirect your attention to being aware of that bodily sense.

As you get more settled, you can then begin to notice the sensations of your breathing, so that you can attend to your in-breath and your out-breath, and the felt sense of your body during the interval in between. Again, when your attention wanders, recognize it, and then direct your attention, over and over, back to the object of your concentration—in this case, the sensation of your breathing and the felt sense of the body in between. It is this combination of continual redirection and increasing interest in the sensory details of your breathing and your body that together strengthens your capacity to attend to the things you want to. With practice, you will notice more quickly when your attention has been diverted elsewhere. That in turn will enable you to refocus your attention on the concentration object more rapidly, as well as to stay calmly on the chosen object of concentration for longer periods of time.

Try this practice for as long as you feel you can—five minutes is a good start, then work up to about fifteen minutes a day. Just have confidence that like physical exercise, training your mind will help strengthen your capacity to pay attention. For further guidance, see R. Lisle Baker & Daniel P. Brown, *On Engagement: Learning to Pay Attention*, 36 U. ARK. LITTLE ROCK L. REV. 337, 378-82 (2014) (discussing methods of training concentration).

Good luck! ~ Professor Baker

APPENDIX F

Coaching Your Presenter – Presentation (date:))

Set out below is a simple sheet for you to take notes and offer immediate feedback on a presentation. When responding below, please do the best you can to pay close attention and respond helpfully, as both are key legal skills.

Speaker Name:

Your name as coach:

Listening: As I understood you, the principal ideas you offered are as follows:

Inquiring: Have you considered the following ideas in building on that good beginning?

APPENDIX G

Final Paper: Reflections and Next Chapter

Your final paper constitutes a reflective exercise that illuminates what you have learned about yourself in relation to positive psychology: drawing on all the activities, guest and student presentations, readings, and journals. For this effort, you should plan to draw upon, and append in a binder with appropriate tabs, the journal entries and other materials you have assembled during the course. These include your different VIA results, for example, from third parties as well as your journal entries. Unless you cite to them specifically in the final paper (and they are not already cited in your most helpful reading journal), you need not include readings you have been provided. Include all your periodic journals, and also note any journals you did to make up for a missed class.

The paper should conclude with a personal action plan where you commit yourself to specific actions to further develop your capacity, some of which you have already documented in your journal entries. The plan should be specific about what steps you intend to take, including overcoming obstacles and how you will hold yourself accountable, following the general format recommended for you in Journal 11: Mental Contrasting Plus Implementation. In that light, include who you will make your partner for this exercise, and how you plan to work with that partner to assure success. If it helps, think about how you would assemble and cite to the evidence for a trial designed to prove your case, and the relief you want to seek from the judge or jury involved.

With that background in mind, here is more specific guidance, with some suggestions to help you get started, though they are not designed to limit your scope of inquiry:

A. Ends:

1. What challenge or opportunity to serve the welfare of other people will most engage you?
2. Why does this opportunity call forth your energy?
3. In fulfilling this opportunity, what kind of lawyer do you most want to become?

B. Means:

4. What character strengths and roles do you plan to rely upon?
5. What practices will you engage in to help you keep your balance going forward?
6. How will you make use of the contemplative practices you have been taught?

7. How will you cultivate the courage you need?
8. How will you build relationships, both personally and professionally, including appreciating good news and delivering bad news, as well as working with those with whom you disagree?
9. How will you make use of your positive psychology research?
10. If you have not covered it already, what are your major concerns at this point? Be as specific as possible about the obstacles that you will have to overcome.
11. What is your plan to overcome the identified obstacles?
12. How would you summarize your plan in a single paragraph so that you could explain it to a good friend while riding the elevator at Suffolk?

This paper must be **no fewer than four and not more than six pages long**, double spaced, and typed in the format as these assignments. In preparing to write your paper, here are some suggestions to help you get started:

1. You should also be prepared to cite to your journals, readings, and your class experience with particularity to make the points you want to make. In that regard, please make sure you have numbered the paragraphs in your journal entries so that you can cite to them easily, e.g., J4.1 [topic].
2. When citing to the reading, please do so with particularity as to the page and text so that the reference will be clear. In other words, citing to Peterson & Seligman, *Character Strengths and Virtues*, page 20, does not tell the reader what the reference relates to. Make sure the relevance is clear.
3. The same is true of journal entries, e.g., J.3, would be insufficient. Use the topic title, including what that journal entry is about and what happened during the experience that illustrates the point you want to make.
4. Use headings and subheadings to enhance clarity.
5. Make sure you provide a copy of your journals and Positive Activity Log entries (including a summary log, like a bill for services) in a notebook for ease of reference. This material is like the record at trial on which you will base your argument.
6. Attach a copy of your VIA survey and other reports, including student feedback to you.

The point is to find ways to demonstrate what you have learned from the course experience, as amplified or clarified by the readings and class discussion. Your paper should also report how you will make good use of the learning during law school and then later throughout your professional life. In short, the paper is designed to be a reflective exercise on what you have learned about positive psychology, but even more important, how you plan to apply your new learning in the future to enhance your success as a person, a lawyer, and a contributing member of the larger community of which you will become an important part.