

OPTIMISTIC LAWYERS.....MEET JUMBO SHRIMP

Some twenty-five years ago, University of Pennsylvania psychologist Martin Seligman was wondering why certain people were stupendously successful life insurance salesman and others washed out of the field within weeks. He and his colleagues had devised a test that revealed a person's "explanatory style" for the positive and adverse events in their lives - did they tend to be optimistic or pessimistic. He found a startling correlation between the optimistic style and success.

Admissions officers at America's universities have devised formulae which can predict with some accuracy an undergraduate's predicted GPA, derived from high school academic achievement, SAT scores and other markers. Yet, some students perform well above their predicted level. Seligman found that these people strongly favored an optimistic explanatory style to life's events.

Prior to the 1988 Olympic games, Seligman performed an interesting experiment with world class swimmers, including Matt Biondi, a multiple gold medal winner in the Seoul Games. He had these athletes swim their event all out, but their coach would report a false, and much slower, time to them. Their high level of performance and expectations, resulted in these times being significant disappointments for the swimmers. Shortly thereafter, they were asked to swim the same event again. Those with pessimistic styles swam poorly, their times slower still. The optimists, however, including Biondi, swam a faster time than their earlier split.

Resilience and the ability to persevere through adversity are among the hallmarks of this optimistic explanatory style. Seligman, in part, describes the absence of pessimism as demonstrating optimism. When faced with an adverse event, the Pessimist is apt to draw three conclusions from the experience: Personalization (this is a personal failure, reflecting something negative about me); Pervasiveness (the failure will affect everything I do) and Permanence (this situation will never change).

By contrast, the Pessimist will see positive events as External (luck or someone else's doing); Situational (it happened this time for particular reason) and Temporary (success was based on circumstances which will pass).

For example, let's say we go to a networking event and we fail to make any new connections, leaving the event feeling deflated for an evening wasted. A Pessimist may automatically slip into such thoughts as: "I'm not very interesting." (Personalization) "I am not going to be able to market myself. I can't build a practice." (Pervasive) "I will never make partner." or "I'll always struggle in my practice." (Permanent)

Permitted to continue unchecked and unexamined, these habits of thinking render it's subjects at higher risk of depression.

The optimistic style, by contrast, tends to see the adverse events as external, situational and transitory. "This wasn't my favorite kind of crowd. I worked hard today - was tired and off my game tonight. I can recall when I've circulated well in the past. I actually hate the Annual State Bar Highland Games Costume Dinner. I feel stupid in kilts."you get the idea.

Seligman has been studying, and writing provocatively, about "Learned Optimism" for over 25 years. Almost invariably, whenever Seligman investigates achievement which far outstretches conventional measures of aptitude or skill, it is the heavy reliance upon the optimistic explanatory style which characterizes the high achiever.

So, in 1987, he wondered how his theories would hold up in the law school environment. He went to University of Virginia Law School and administered an instrument which tended to reflect the individual's explanatory style (the ASQ, or Attributional Style Questionnaire) to 97% of the incoming first year class. Three years later, he, Jason Satterfield and John Monahan reviewed the career law school achievement of these people. Expecting to find that the optimists garnered the top grades and were sitting on the Law Review Editorial Board, they were nonplussed to find that it was the Pessimists who were atop the heap.

In fact, of all the groups which Seligman and his colleagues have studied in the past twenty-plus years, only the law students were high achievers who also failed to score high marks in optimism.

As noted by Seligman in the recently published study of positive psychology, *Authentic Happiness*,

“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. A prudent perspective enables a good lawyer to see every conceivable snare and catastrophe that might occur in any transaction. The ability to anticipate the whole range of problems and betrayals that non-lawyers are blind to is highly adaptive for the practicing lawyer...and if you don't have this prudence to begin with, law school will seek to teach it to you. Unfortunately, though, a trait that makes you good at your profession does not always make you a happy human being.”

Seligman provides a number of exercises in his earlier work *Learned Optimism*, “to help lawyers who see the worst in every setting to be more discriminating in the other corners of their lives.”

While this professional habit of “prudent thought” may be more prevalent in transactional than in litigation attorneys, there is arguably an ingrained professional skepticism which permeates our lives. This skepticism tends to view an optimistic habit of thought as entirely too “pie in the sky,” rendering us vulnerable to the hazards of the real world. Yet, Seligman counsels a “flexible” optimism, which is neither sappy nor unrealistic. It is a process which challenges our pervasive and eroding negative beliefs by teaching a method of conscious and thoughtful disputation of these beliefs. Take a moment, the next time you trip or fail at a task (great or small) and monitor your internal monologue. What are your immediate thoughts? What do you say to yourself about yourself in those first moments? If these thoughts tend toward the pessimistic, what do you do with them? Do you ruminate on them for a time - or do you shelve them, banishing them from your consciousness? In either case, you allow habitual pessimistic thinking (which, remember, is qualitatively different from simple “glass is half empty” thinking) to go unchallenged.

There is a growing body of research which suggests that optimistic thinkers resist disease, live longer and are more successful in meeting life's challenges. It is now clear, for example, that the optimistic attributional style is strongly associated with exceptional athletic achievement (golfers take heed). It is also a habit of thought which, for most, does not come naturally but can be achieved through conscious attention. The two works by Seligman are excellent entrees into this field of thought. (You can actually test your own attributional style on his website, authentic happiness.com.) If Seligman is right, and lawyers do have a propensity to pessimism and we work to reverse this habit, the optimistic lawyer will not be the oxymoron suggested at the head of this column, but, rather a common experience in this wonderful profession of bright and gifted people.