Using Positive Psychology to Improve Law Student Well-being, Character Development & Performance

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Positive Legal Education: Flourishing Law Students and Thriving Law Schools 77 Md. L. Rev. (forthcoming).
Law Student Wellbeing Research

- Anxiety, Depression, Substance Use & Suicide Risk
  - Significant mental health decline during law school (Krieger 2002)
- 2014 Survey of Law Student Well-Being - 11,000 students (Organ, Jaffe & Bender 2016)
  - 90% had alcohol in last 30 days
  - 43% binge-drinking once & 22% binge-drinking at least twice in past 2 weeks
  - 20.4% considered suicide sometime & 6.3% in last 12 months
  - 17% positive for depression and 37% had anxiety
The Path to Lawyer Well-being: Practical Recommendations for Positive Change (ABA 8-14-17)

Three Reasons to Address Lawyer Well-being

• Enhance the effectiveness of legal organizations;
• Improve the professional and ethical behavior of lawyers; and
• Help individual lawyers thrive in 6 domains
  • Physical
  • Emotional
  • Intellectual
  • Occupational
  • Social, and
  • Spiritual
Law School Recommendations

• Identify organizational practices that may contribute to well-being problems, and assess changes that can be made

• Educate faculty on well-being issues in the legal profession

• Provide well-being curriculum for students

• Provide Student Resources on Mental Health and Substance Use Disorders

• Create Peer Mentoring Program

• Discourage alcohol-centered social events

• Survey student well-being anonymously
Wellbeing & Academic Performance Research

• Teaching skills for wellbeing enhances students’ performance
  • Standardized tests
  • Study habits
  • Homework submission
  • Grades, and
  • Adult education attainment, health & wealth

Wellbeing & Performance Skills

• Mindfulness, emotional regulation, decision making, & critical thinking enhances student performance on standardized tests

• Social & emotional training scored over 11% higher on achievement tests than untrained peers (meta-analysis of 213 studies)

• Self-Regulation Skills improve study habits, homework submission, grades, and adult education attainment, health, and wealth

• Self-discipline is better at predicting long-term academic success than IQ

• Grit, the capacity to persevere while pursuing long-term goals, predicted retention in elite academic military programs and grades at top universities
Positive Psychology: Emotional Domain of Well-being
(Thriving: PERMA Adler & Seligman 2016)

• Positive Emotions,
• Engagement,
• Healthy Relationships,
• Meaning,
• Achievement, and
  • Thriving across multiple domains
  • Hedonic (feeling good) and Eudaemonic (functioning well) Well-being
  • Absence of crippling elements: depression, anxiety, anger, & fear
Foundations for Practice Report  
(Gerkman & Cornett, IAALS, 2016)

• 24,137 Lawyers Surveyed

• Law schools must develop law student Character Quotient (CQ)

• Successful lawyers need “a blend of legal skills and professional competencies, and, notably, they require character.”
  • Character Attributes
  • Collaboration Competencies
  • Self-Care & Self-Regulation Skills
PERMA & Foundations Characteristics

• **Positive Emotions**
  - Positivity & energy
  - Stress management
  - Handle dissatisfaction appropriately

• **Engagement**
  - Intellectual curiosity
  - Resourcefulness
  - Flexibility, adaptability & resilience
  - Decision-making under pressure

• **Meaning**
  - Strong moral compass
  - Self-awareness (strengths, weaknesses, boundaries, preferences, sphere of control)
  - Ownership, passion for work

• **Positive Relationships**
  - Positive professional relationships
  - Work cooperatively & collaboratively as part of a team
  - Express disagreement thoughtfully and respectfully
  - Integrity, courtesy, respect, tact, & diplomacy
  - Tolerance, sensitivity & compassion
  - Humility & patience

• **Achievement**
  - Commitment to excellence
PERMA, Foundations Characteristics & Recommendations

**Positive Emotions**
- Mindfulness
- Meditation
- Gratitude

**Engagement**
- Mindfulness
- Meditation
- Growth Mindset

**Meaning**
- Growth Mindset
- Gratitude

**Positive Relationships**
- Lovingkindness Meditation
- Mindfulness
- Gratitude

**Achievement**
- Growth Mindset
- Best Day for Priming for Performance
- Savoring for Flow
Fixed Mindset

- Intelligence & Personality Stable
- Galvanized by focus on GPA, rank, standardized tests
- Over-estimate their abilities
- Despise feedback as attack on key traits
- School, work, relationships are zero-sum, where goal is proving oneself to look smart, gain acceptance, win

Growth Mindset

- Can expand aptitude, talents, and improve character with practice and experience
- Value learning & crave feedback
- Seek challenges, focus on improvement, develop passion for learning
- Motivated, resilient, and more successful in school and business
Worry about the Future

Regret about the Past

Not Mindful
Mindfulness Defined

• Being fully aware of something and paying attention to the moment, with acceptance and without judgment or resistance. ~ Chade-Meng Tan ~

• Paying attention in a particular way, on purpose, in the present moment, nonjudgmentally, as openheartedly as possible. ~ Jon Kabat-Zin ~

• An Outcome (Mindful Awareness) and a Process (Mindful Practice) ~ Shauna Shapiro ~
Objectives of Mindfulness

• Calm Monkey Mind
• Develop Poise & Capacity to Respond rather than React
• Cultivate Flow & Achieve Optimal Performance
• Joy
Research on Mindfulness

- Improves
  - Information processing
  - Decision-making
  - Concentration
  - Productivity
- Increases gray matter & connections between brain regions
- Improves immune function
- Promotes emotional intelligence
- Decreases distraction
- Reduces stress & anxiety
Three Questions Practice
Cultivate Mindful Perspective

• When is the most important time?
  • Now, because it is the only time which you have some control over

• Who is the most important person?
  • The person you are interacting with

• What is the most important thing to do?
  • Do your best to serve the person you are interacting with
Meditation for Attention & Focus

• Easy Way
  • Bring gentle and consistent attention to your breath for 2 minutes, and when your attention wanders, bring it back

• Easier Way
  • Sit without an agenda for 2 minutes, shift from doing to being
# Loving-kindness Meditation for Empathy & Compassion

Think of Yourself

<table>
<thead>
<tr>
<th>May I be happy</th>
<th>May I be well</th>
<th>May I be safe</th>
<th>May I be peaceful &amp; at ease</th>
</tr>
</thead>
</table>

Think of a Loved One

<table>
<thead>
<tr>
<th>May you be happy</th>
<th>May you be well</th>
<th>May you be safe</th>
<th>May you be peaceful &amp; at ease</th>
</tr>
</thead>
</table>

Think of a Difficult Person

<table>
<thead>
<tr>
<th>May you be happy</th>
<th>May you be well</th>
<th>May you be safe</th>
<th>May you be peaceful &amp; at ease</th>
</tr>
</thead>
</table>

Think of All People or Beings

| May you be happy | May you be well | May you be safe | May you be peaceful & at ease |
Research on Meditation

- Enhances productivity, attention, mood & compassion
- Increases gray matter in thinking & emotional brains
- Strengthens immune system
- Decreases stress-related cortisol
- Improves disease & disorders
  - Cardiovascular, Asthma, Type II Diabetes, PMS, chronic pain, insomnia, anxiety
- Students who practiced for 10 minutes per day for 2 weeks improved GRE scores (2013)
- 15 minutes improved decision-making (2013)
- Experienced meditators changed gene expression, reduced pro-inflammatory genes (2013)
Cultivate Optimism with Gratitude Practice

MARTIN E. P. SELIGMAN, FLOURISH: A VISIONARY NEW UNDERSTANDING OF HAPPINESS AND WELL-BEING (2011)

- Journal or Reflect on
  - Three Things
    - I’m Proud of
    - I’m Grateful for
  - What Went Well
    - Things that went well today and why

- Doubling Down on Joy because the mind can’t tell the difference between actual experience and reflection
  - Shawn Achor
Notice Thin Slices of Joy

- Notice Thin Slices of Joy
  - Blue Sky
  - Sip of Coffee
  - Warm Shower Water
  - Cute Animal Tweet Off
  - Morning Comics

- Build to Joy of Daily Experiences with Gratitude Practice
Research on Gratitude Practice

Over 100 studies, grateful people

• Have more positive emotions
• Accomplish more personal goals
• Sleep better & feel more alert, enthusiastic, and energetic
• Have lower blood pressure, and live 7-9 years longer
Best Day: Priming for Performance


• Recall Best Day prior to
  • Hearing or Presentation
  • Demanding Performance
Savoring: Enhance Engagement & Flow

MARTIN E. P. SELIGMAN, FLOURISH: A VISIONARY NEW UNDERSTANDING OF HAPPINESS AND WELL-BEING (2011)

• Prior to work on a project, recall or reflect on life’s pleasures, wonders, and awe-inspiring moments
We are what we repeatedly do. Excellence, then, is not an act, but a habit.
~ Aristotle ~

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