

# **ANXIETY & THE PRACTICE OF LAW**

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## **Course Purpose**

This course has three main objectives: each student will

- 1) understand that anxiety is a fear response that leads to negative talk and unwanted physical responses;
- 2) learn and implement at least one technique to combat anxiety to become a more effective law student and a happier lawyer; and
- 3) connect the response to anxiety with failure to properly attend to the needs of a client.

Students will see law school anxiety as a precursor to anxiety experienced by practitioners and will try new practices and techniques to reduce anxiety.

## **Weekly Student Learning Objectives/Assessments**

- Weekly learning objectives follow.
- Posted on Canvas for Students.
- Assessments for each class to measure competency in each outcome.
- Professor's responses to weekly reflections will emphasize application of these learning outcomes.

## Week 1: Defining Anxiety – At the end of this week, students will be able to

- Define anxiety as fear that manifests as 1) negative self-talk and 2) physical reactions. **Assessment:** Icebreaker -- describe how you feel – both physically and mentally - when you are anxious. Post-class -- They will apply this definition to their personal experience through class discussion and a graded discussion board.
- Connect our natural reactions to anxiety as things that get law students in trouble – avoidance behavior, missing deadlines, “head in the sand” responses, and not being where you are supposed to be. **Assessment:** There will be an active learning exercise in class to measure achievement of this outcome.
- Understand how pervasive anxiety is in society, in law students, and in practicing lawyers. **Assessment:** Each student will describe one situation in law school that caused anxiety.
- See that fear is the enemy of learning. Students will watch a video discussing how uncertainty, attention, and struggle create a fear response in the brain, but that these things are necessary for long-term learning. **Assessment:** They will apply the concepts from the video to their personal experience in a weekly reflection.

### CANVAS RESOURCES FOR WEEK 1:

- The Anxiety Toolkit Part II: Mindfulness Practices to Reduce Anxiety. Jon Krop - <https://www.youtube.com/watch?v=NTrwgeJoDCw>
- Statistics on Anxiety & Law Students (you're not alone). LCL – Lawyers Concerned For Lawyers. Massachusetts LAP Blog <https://www.lclma.org/2019/01/18/the-full-weight-of-law-school-stress-on-law-students-is-different/>
- Anxiety & COVID-19: 5 Ways to Reduce Anxiety in a Worldwide Pan(dem)ic. <https://www.attorneyatwork.com/5-ways-reduce-anxiety-worldwide-pandemic/>
- Depression – Lawyers Weigh In: Why is there a depression epidemic in the profession? ABAJournal. [https://www.abajournal.com/voice/article/lawyers\\_weigh\\_in\\_why\\_is\\_there\\_a\\_depression\\_epidemic\\_in\\_the\\_profession](https://www.abajournal.com/voice/article/lawyers_weigh_in_why_is_there_a_depression_epidemic_in_the_profession)
- Relaxing the Anxious Lawyer Brain Takes Practice. ABAJournal. [https://www.abajournal.com/magazine/article/relaxing\\_anxious\\_lawyer\\_brain](https://www.abajournal.com/magazine/article/relaxing_anxious_lawyer_brain)
- Law Practice Anxiety: How to Dance with the Demons ABAJournal <https://www.abajournal.com/voice/article/law-practice-anxiety-how-to-dance-with-the-demons>
- **MUST WATCH:** Trevor Ragan video on **Fear and Learning:** How to Overcome Fear <https://trainugly.com/portfolio/overcome-fear/>

## Week 2: Normalizing Struggle – At the end of this week, students will be able to

- See struggle in law school as normal, and a sign of long-term learning as evidenced by their weekly reflection. **Assessment:** Icebreaker --describe something (or a subject) you have struggled with – how did you feel when struggling? During class -- Students will discuss their personal struggles and feelings about the struggle.
- Challenge their belief system through class discussion that sees struggle as equal to failure. **Assessment:** Weekly reflection question
- See that the practice of law requires struggling with new information, new skill sets, and developing strategies for reaching client goals. **Assessment:** Apply personally in both class discussion and weekly reflection.
- Discern the difference between a growth mindset and a fixed mindset. **Assessment:** Each student assesses their mindset through a class quiz, and will reflect on the value of a growth mindset when normalizing struggle.
- Discern the value of GRIT. **Assessment:** Each student assesses their “grittiness” and will reflect on the value of perseverance in learning/ law school/practice.
- Practice breathing technique to engage the parasympathetic nervous system to combat the effects of fear and the sympathetic nervous system. [In class exercise]

### CANVAS RESOURCES FOR WEEK 2:

- The Culture of Kingsfield – clip from The Paper Chase (1973) <https://www.youtube.com/watch?v=qx22TyCge7w>
- Catherine M. Christopher, *Normalizing Struggle*, 73 Ark. L. Rev. 27 (2020). Available at: <https://scholarworks.uark.edu/alr/vol73/iss1/2>
- Growth Mindset and Mistakes, <https://www.youtube.com/watch?v=2nF9osAW-Yg>
- The Learner Lab: Neuroplasticity – Our Brain is Like a Muscle. <https://thelearnerlab.com/neuroplasticity-our-brain-is-like-a-muscle/>
- The Value of GRIT, <https://www.youtube.com/watch?v=sWctLEdIgi4>
- Science has Just Confirmed that if You’re not Outside Your Comfort Zone You’re not Learning. <https://www.inc.com/jessica-stillman/want-to-learn-faster-make-your-life-more-unpredictable.html>
- 5-2-8 breathing and the Vagus nerve. <https://www.justincaffrey.com/my-blog/2018/5/10/vagus-nerve>

## Week 3: Taking Charge of your Time – At the end of this week, students will be able to

- See productivity differently – how we try to cram too much into one day – and the need to create space for themselves as a strategy to combat anxiety. **Assessment:** Students will share their weekly calendar prior to class, with everything they have to do filled in. Icebreaker – students describe their plan for Monday during class. Weekly reflection applying new concepts to personal life.
- Examine their weekly calendar to create time for self-care, and rejuvenation to improve resilience. **Assessment:** Weekly reflection prompt - discuss possible changes to your schedule and planning calendars.
- Create margins between events, reducing the anxiety of being late or unprepared. Connect being late or unprepared with harm toward clients. **Assessment:** Weekly reflection prompt – how will building margins into your planning/calendar reduce stress?
- Plan for the future – are they working toward money affluence or time affluence? **Assessment:** Reflection on personal goals.

### CANVAS RESOURCES FOR WEEK 3:

- **MUST LISTEN: Podcast from The Happiness Lab with Dr. Laurie Santos:** For Whom the Alarm Clock Tolls, <https://podcasts.apple.com/us/podcast/for-whom-the-alarm-clock-tolls/id1474245040?i=1000475632301>
- How to Create Margin in Your Life for a Simpler Schedule. <https://richlyrooted.com/2014/01/create-margin-in-your-life-for-a-simpler-schedule.html>
- The Value of Time, Jay Shetty <https://motivationmentalist.com/2018/05/29/value-of-time-watch-before-wasting-time/>
- Essential Time Management Tips for Lawyers, <https://www.thebalancesmb.com/effective-lawyer-time-management-2151357>
- 7 Lawyer Time Management Issues and How to Avoid Them, <https://legal.thomsonreuters.com/en/insights/articles/lawyer-time-management-issues>
- Time Management for Lawyers, <http://www.timemanagementforlawyers.com/about-time-management/>
- Lawyer Procrastination, Depression, and Multitasking, <https://www.lawyerswithdepression.com/articles/lawyer-procrastination-depression-and-multitasking/>
- Why You Procrastinate (and What to do About It) <https://www.lawyersweekly.com.au/biglaw/25175-why-you-procrastinate-and-what-to-do-about-it>
- A Lawyer's Time and Malpractice, <https://www.pattersonlawfirm.com/blog/2016/07/07/procrastination-can-lead-to-legal-malpractice/>

## **Week 4: Restorative Practices: Mindfulness, Meditation and Yoga – At the end of this week, students will be able to:**

- Experience a mindful practice of being the observer and noting what is happening in their mind and connect to inner peace and less anxiety.
- Experience a short calming meditation, turning the attention inward.
- Compare the benefits of yoga, mindfulness, and meditation as a technique to reduce anxiety in their weekly reflection.
- Practice breathing techniques for immediate stress relievers

### **CANVAS RESOURCES FOR WEEK 4 (asynchronous week):**

- Strategies to Manage Stress, <https://www.attorneyatwork.com/3-strategies-stress-control/>
- Why Mindfulness is a Superpower: an Animation
- Mindfulness for Lawyers, a short handbook, Jon Krop, [https://lawyerwellbeing.net/wp-content/uploads/2020/02/Mindfulness\\_Attorney-Handbook\\_Jon-Krop.pdf](https://lawyerwellbeing.net/wp-content/uploads/2020/02/Mindfulness_Attorney-Handbook_Jon-Krop.pdf)
- To Young Lawyers on Practicing Mindfulness, [https://www.americanbar.org/groups/young\\_lawyers/publications/after-the-bar/personal-life/to-young-lawyers-practicing-mindfulness/](https://www.americanbar.org/groups/young_lawyers/publications/after-the-bar/personal-life/to-young-lawyers-practicing-mindfulness/)
- Mindfulness for Lawyers, Jeena Cho, <https://www.clio.com/blog/understanding-mindfulness-a-primer-for-lawyers/>
- App: Headspace, <https://www.headspace.com/> and Headspace student plan for \$9.99 per year <https://www.headspace.com/studentplan>
- App: Calm, <https://www.calm.com/>
- Headspace vs. Calm: How do these Meditation Apps Compare? <https://www.healthline.com/health/headspace-vs-calm>
- Amazon Prime Student (\$6.49/month) has student deal on Calm for 3 free months, then \$8.99 per year. <https://www.amazon.com/prime/offer/Calm/student-discount>
- The Anxious Lawyer, 7 weeks of Guided Meditation Recordings, <https://jeenacho.com/the-anxious-lawyer-guided-meditation-recordings/>
- 30 Days of Yoga, (31 videos) <https://www.youtube.com/playlist?list=PLui6Eyny-UzwxbWCWDbTzEwsZnnROBTIL>

**Week 5: The Restorative Power of Sleep– At the end of this week, students will be able to:**

- Understand the importance of a good night's sleep on memory and learning. **Assessment:** Pre-class discussion board question on sleep. Ice-breaker: biggest obstacle to falling asleep or staying asleep.
- Experience techniques to stop the mind from spinning to allow deep sleep **Assessment:** Weekly reflection prompt – what techniques will you try to improve your sleep?
- Compare feelings of anxiety in the middle of the night to feeling of anxiety during the day. **Assessment:** Weekly reflection prompt
- Connect law school anxiety that keeps students awake with the stress of practice and responsibility for clients **Assessment:** Weekly reflection prompt
- Try tips and techniques: herbal and vitamin supplements to enhance sleep, white noise, blue light, scrolling through phone, and controlling bedroom environments. **Assessment:** Weekly reflection prompt – what techniques will you try to improve your sleep?

**CANVAS RESOURCES FOR WEEK 5:**

- The Restorative Power of Sleep, <http://wtravisstewart.com/sleep-mental-health/>
- Sleep and Learning podcast, The Learner Lab, <https://thelearnerlab.com/sleep-and-learning/>
- Sleep, Learning, and Memory, <http://healthysleep.med.harvard.edu/healthy/matters/benefits-of-sleep/learning-memory>
- Can't Fall Asleep, links, videos and related products, <https://www.sleepscore.com/category/trouble-falling-asleep/>
- 101 Sleep Tips, <https://myslumberyard.com/sleep/101-tips-for-better-sleep/>
- Sleep is Your Super-Power, Matt Walker, [https://www.ted.com/talks/matt\\_walker\\_sleep\\_is\\_your\\_superpower?language=en](https://www.ted.com/talks/matt_walker_sleep_is_your_superpower?language=en)

## Week 6: Test Anxiety – At the end of this week, students will be able to

- Recognize that test anxiety is a fear response to performance-related anxiety in practice. **Assessment:** Ice-breaker on mental and physical stress when taking a test – including anxiety about the bar exam; Classroom discussion and weekly reflection prompt
- See test anxiety as limiting their working memory during the test, causing a drop in performance. **Assessment** Weekly reflection prompt
- Recognize the symptoms of test anxiety. (Skill) **Assessment** Weekly reflection prompt.
- Experience multiple strategies to combat test anxiety and performance anxiety when representing clients. (Skill and Ethics) **Assessment** Weekly reflection.

### CANVAS RESOURCES FOR WEEK 6:

- Test Anxiety Symptoms, Cause, and Treatments, <https://www.verywellmind.com/what-is-test-anxiety-2795368>
- 10 Ways to Overcome Test Anxiety, The Princeton Review, <https://www.princetonreview.com/college-advice/test-anxiety>
- Test Anxiety website from The Learning Center, UNC, Chapel Hill, <https://learningcenter.unc.edu/tips-and-tools/tackling-test-anxiety/>
- Test Anxiety – an animation, Northwestern Student Affairs, <https://www.northwestern.edu/breathe/test-anxiety/>
- Calm Test Anxiety, Relaxation Breathing Technique, [https://www.youtube.com/watch?v=kwdHuodS\\_BA](https://www.youtube.com/watch?v=kwdHuodS_BA)
- The Day Before the Bar Exam, [https://www.youtube.com/watch?v=g9aBx9qko\\_o](https://www.youtube.com/watch?v=g9aBx9qko_o)
- Four Ways to Conquer Your Bar Exam Test Anxiety, JD Advising, <https://www.jdadvising.com/four-ways-conquer-bar-exam-test-anxiety/>
- Daily Reflections for Bar Exam Study, (video) <https://www.youtube.com/watch?v=DtuKh1gwaWM>

## Week 7: Guest Speakers (practitioners) – Best Advice on Managing Anxiety When Practicing Law.

**Week 8: Lawyer Happiness – A Plan to Build Optimism and Resilience. At the end of this week, students will be able to:**

- Digest Prof. Larry Krieger’s work on lawyer happiness and law student happiness. **Assessment:** Weekly reflection prompt, discussion board
- Connect the studies to their own plans for life as a lawyer. **Assessment:** Weekly reflection prompt
- Discuss the value of optimism and resilience in the practice of law. **Assessment:** Weekly reflection prompt
- Share plans for implementing a learned strategy for the rest of the semester. **Assessment:** Classroom presentation. Final reflection.

**CANVAS RESOURCES FOR WEEK 8:**

- Lawrence S. Krieger and Kennon M. Sheldon, *What Makes Lawyers Happy? A Data-Driven Prescription to Redefine Professional Success*, 83 GEO. WASH. L. REV. 554 (2015), Available at: <https://ir.law.fsu.edu/articles/94>
- The Resilient Lawyer, 30 minute interactive online CLE, <https://www.2civility.org/attorney-programs-cle/free-online-cle/the-resilient-lawyer/>
- 8 Tips for Lawyers on How to Build Resilience, ABAJournal, <https://www.abajournal.com/voice/article/how-lawyers-can-build-resilience>
- The Happy Lawyer Project, <https://thehappylawyerproject.com/>

**Weeks 9 – 15: Implement at Least One New Tool:**

After Exams – Final Reflection is due – how did the new tool work, and how will you use what you learned during the remainder of law school and in practice?