

CHAPTER 1

Being the Happiest, Most Effective Lawyer You Can Be

New Research

Larry Krieger

Editor's Note: I selected this as the opening chapter because of the extraordinary empirical research done by Professor Larry Krieger with psychologist Dr. Ken Sheldon. Given lawyers' love of empirical data, I thought the chapter would provide a powerful context for all else that follows. It's about connections, people, and treating others well—most importantly, yourself!

This chapter is a practical guide to broadly improved lawyer happiness, satisfaction, and performance. It explains the five critical sources of well-being identified in a landmark psychological study of 6,200 lawyers and judges. It then provides specific, practical suggestions for applying these findings to both work and personal life. You also learn a powerful stress reduction technique and a single organizing principle for understanding the keys to lawyer well-being in order to facilitate ongoing improvements in your life experience and work output.

Larry Krieger is an international authority on lawyer well-being. Since 2004, he has conducted cutting edge research with psychologist Dr. Ken Sheldon, focusing on lawyers and law students. Their studies have appeared in leading psychology and legal journals. Their recent study of 6,200 lawyers, "What Makes Lawyers Happy?" was featured in the *New York Times* national news, and was the most shared article in the *Times* for two days. Larry was a litigator for 11 years and has been a Clinical Professor of Law at Florida State University since 1992. He was selected as one of 25 subjects for the 2013 Harvard Press book, *What the Best Law Teachers Do*, and was the founding Chair of the Section on Balance in Legal Education of the Association of American Law Schools.

GETTING STARTED AND AVOIDING OBSTACLES

Congratulations on picking up this book. We all came to law school to become the best lawyers we could be, and this book will help further your goals and desires. In this chapter, I describe some exciting new research findings that pinpoint what makes lawyers happier and more effective. I then offer some steps to concretely apply the findings to your life and work. I practiced law for 11 years before coming to teaching, so I appreciate many of the demands vying for your time and attention. The ideas I suggest are intended to be focused, practical ways to improve your life and work comfortably with modest inputs of your time and attention.

Let's first address a few common blocks to progress so that you are ready for them if they come up. First, we all feel the tension of competing interests for our precious time. That will probably never change. But we all make time for what we decide is important to us, and let's agree that becoming your best should be very near the top of that list. Maximizing your mental, physical, emotional, and spiritual fitness (or any of them that you choose to focus on) are among the highest, worthiest goals you can imagine, so they deserve your attention. As you find ideas that resonate for you, you may feel the impulse to defer them because of time. Perhaps take a moment each day to set priorities that include your own improvement in whatever time frame works for you. If you decide to defer on yourself, consider setting a specific time to come back to yourself.

A second common obstacle in your quest for greater wellness and fitness is the feeling that you "should" do something for improvement. It is easy for most to put ourselves aside for others or our work, forgetting that our well-being is the basis of anything good we can do. "Should" is a weak motivator. It comes with a feeling of guilt if the action doesn't happen. If you feel "shoulds" about positive ideas, see if you can shift that feeling to more clear desires for improvement so that you *want* to try the activity to benefit your health, happiness, or performance. This more internal motivation will bring you more persistence, enjoyment, and greater results.

We all share the human tendency towards comfort with what we are accustomed to, and hesitation to change. Remind yourself when this comes up that no growth or improvement can happen without change. Everything is constantly changing, so why not go with the reality and follow your present instinct to improve? Appreciate yourself for approaching this book with positive interest and expectations, and if resistance to trying something new comes up, try it anyway. Steps can be small and comfortable, and may very well lead to major improvements. Don't let a bit of discomfort with change hold you back.

THE RESEARCH ON THE BEST, THE HAPPIEST, AND THE MOST PROFESSIONAL LAWYER YOU CAN BE

Let's look at the factors shown in the leading research to be most effective for making us the best and happiest lawyers we can be.¹ For this large study, Dr. Ken Sheldon and I gathered and analyzed information from more than 6,200 practicing lawyers and judges in four diverse states. The results and related research demonstrate a most

1. Krieger, Lawrence S. & Sheldon, Kennon M., *What Makes Lawyers Happy?: A Data-Driven Prescription to Redefine Professional Success*, 83 *GEORGE WASHINGTON LAW REVIEW* 554 (2015); FSU College of Law, Public Law Research Paper No. 667. Available at SSRN: <https://ssrn.com/abstract=2398989>.

fortunate situation for lawyers—that all of the most desirable and important things run together and tend to support each other in an upward spiral. For example, being the best you can be also means being the happiest you can be and having the most supportive relationships possible. Further, maximizing your satisfaction and well-being also means you are the most professional, competent, and effective you can be. Any improvement you make in any area will likely have added benefits in other areas as well.

Keep in mind the global nature of these benefits for you and those around you in order to maintain your motivation to take some of the practical steps suggested. With the explanation of each of major well-being factor, I will suggest simple ideas for you to reflect upon, write about, and use to identify small, beneficial changes you can make. Please consider buying a notebook or journal for this purpose. You can certainly use a computer or device instead, but first consider a traditional notebook or journal. Research shows that writing notes by hand yields deeper and more useful thought.

Based on the numbers we see in research findings, the factors I discuss appear to be mandatory for a lawyer to experience well-being and satisfaction. The reflective process suggested is very direct and will help you quickly identify areas for improvement so you can make gains in ways you choose.

WHAT DO WE MEAN BY A “HAPPY LAWYER”?

Everyone wants to be happy. That desire underlies every behavioral choice we make. But “happiness” can mean different things to people, ranging from a simple freedom from cares or worries to a state of giddiness or excitement or an unshakeable, deep state of contentment—and there are many other definitions.

Lawyers may find the idea of being free from cares and concerns foreign—even inappropriate—given the seriousness of our work. We might also find the idea of deep inner contentment to be unrealistic given the vexing situations of clients and the complexities of managing problems within the legal system. Nonetheless, I encourage you to know at the start that regardless of your current level of well-being, you can increase your experience of day-to-day happiness and satisfaction with your life and work. It makes sense to be optimistic about improving our experience—people do it all the time, and many lawyers are extremely happy. The research on attorneys shows exactly which attitudes and choices in work and life predict elevated happiness (or depression) in lawyers. It also points the way to improvements that will be simple and attainable.

The meaning of “happiness” as used in this study is validated and well established by decades of research. Like other modern researchers, we measured the “subjective well-being” (SWB) of our lawyers to determine their happiness. This approach to understanding happiness is useful because most people immediately and personally relate to it. It is a reliable approach because it aggregates dozens of different relevant experiences into a single well-being measure.

To determine SWB, we included numerous measures of lawyers’ moods, both positive and negative, which we combined with several measures of their level of satisfaction with life. When I discuss factors that increase the “happiness” of thousands of lawyer subjects, I refer to those factors that proved to most strongly predict *increased positive moods, decreased negative moods, and increased life satisfaction* among lawyers.

Please think about this model of happiness and see if it applies directly to your own desires for your life and work. Would it be welcome to have more positive moods and fewer negative moods each day? To feel more satisfied with your life and work? How to accomplish that depends on understanding what will make it happen—those few factors that best predict lawyer happiness.

THE SURPRISING FINDINGS: WHAT ACTUALLY MAKES LAWYERS HAPPY?

I spent the first 11 years of my legal career as a government litigator in a variety of demanding positions. I enjoyed all of the work. I often noticed that lawyers I encountered did not seem to be as happy as our relative intelligence, power, and income would suggest. It struck me that many highly successful lawyers were not particularly happy as a group. I wondered whether the achievements we typically define as “success” do not bring happiness.

This was a question of importance because at times I received offers to pursue more traditionally successful career tracks that offered greater compensation and more prestige than my government work. When I began teaching law school, I had the opportunity to investigate this question and engaged a respected psychologist to help. The study looked at these questions: Does the achievement of career success as we commonly define it lead most lawyers to happiness? If not, what does? Based on previous research, we expected the first answer to be “no,” that “success” would not be very important for happiness. We did not think that gaining rewards and status, including entry into prestigious schools, high law school grades, other honors and credentials, or partnership in a law firm, would reliably identify the happy lawyers. We also hypothesized that more subjective, personal, and relational factors would be the real markers of thriving, happy lawyers.

The resulting study of 6,200 lawyers and judges in four states confirmed all of these hypotheses, so consistently that the conclusions are clear. **The happiness of thousands of lawyers varied strongly only with personal factors such as their attitudes, integrity, relationships, and purposes and goals in life. The usual markers of “success” in our society and profession—those external, competitive factors of grades, money, and prestige—were essentially ineffective for producing happy lawyers.** The results were sufficiently surprising that the *New York Times* report of this study was featured in the national news and was the most shared article in the *Times* for two days.²

In a nutshell, much of what has been driving so many of us, what we strive for with most of our energy, worry about at length, and which has been forming our dreams for our children and other loved ones, does not actually produce happiness. This is an important realization to reflect on, though it certainly does *not* mean that we should avoid or renounce success and the comforts and benefits that it can bring. It does mean that there are several more important factors in life that should not be *sacrificed* for success as commonly understood.

Figure 1.1 shows these results in numerical detail, with each factor measured for the strength of its association with the well-being of our thousands of lawyers. Note that the numerical correlations with happiness of the different factors vary from zero (or even negative) to a maximum of 0.66. A theoretically “perfect” relationship would have a correlation of 1.00, meaning that a particular variable and lawyer

2. “Public Defenders Are Happier than Prestige Lawyers,” May 17–18, 2015.

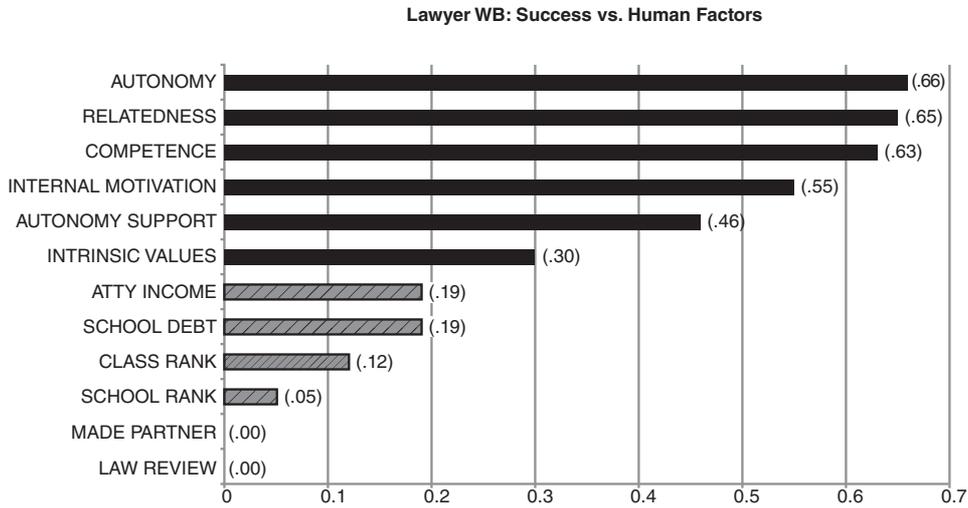


FIGURE 1.1 Human Factors, Rather Than “Success,” Drive Lawyer Happiness

happiness increase or decrease together in equal amounts. Similarly, a 0.50 correlation means that happiness increases one-half as much as the variable being measured. Correlations that approach or exceed one-half (0.50) are generally considered very strong in this type of research. Correlations greater than about 0.35 could be considered strong; about 0.20 to 0.35, moderate; 0.10 to 0.20, weak; and below 0.10, very weak to meaningless (even if statistically valid).

Figure 1.1 shows you the stark contrast between the two types of factors in this study—traditional success and personal/relational factors—and their apparent effects on lawyer happiness. The common markers of success are shown in grey bars, and the more personal and internal factors are in black. Each factor is followed by the strength of its relationship with well-being. One view of the chart tells the tale starkly: the first finding of this large study is that “success” as normally understood simply does not produce much happiness, while identifiable internal and relational dynamics do. Please also see that the “success” factors are largely competitive and outside any personal sphere of control—someone else might always get the prize. So they are stressful to pursue and inherently produce anxiety and stress for people who overemphasize them.

HOW TO INCREASE LAWYER HAPPINESS FACTORS IN YOUR LIFE RIGHT NOW

1. Integrity/Authenticity

The data shows that integrity (also referred to in this domain of psychology as “authenticity” or “autonomy”) is the critical foundation of a good life. It is listed first in Figure 1.1 and is the strongest predictor of lawyer happiness in this study. Its contrast with the success factors in grey could not be clearer.