

# Preface

The introverted lawyer: an oxymoron? The American typecast of the effective lawyer conjures images of an extroverted, confident, prolix, podium-pounding orator. Hollywood stars like Ryan Gosling, Matthew McConaughey, Reese Witherspoon, and George Clooney portray gregarious exemplars of the profession on the big screen. Art reflects life. A stereotype bias in law school and legal practice favors the talkative extrovert. While naturally loquacious professors, students, lawyers, and judges thrive in a world dominated by the Socratic question-and-answer method and rapid-fire oral discourse, quiet thinkers and writers can be sidelined. Introverts are “frequently overlooked and underestimated by organizations and colleagues who buy into the idea that talking reigns supreme.”<sup>1</sup> Introverted or otherwise interpersonally reserved (perhaps shy or socially anxious) law students and lawyers often struggle to find their place in the legal arena. Research indicates, however, that they bring impactful gifts to the profession, such as active listening, empathy, deliberate thinking, and insightful writing. As legal education and law practice adjust to changing law school enrollment trends, and as academic institutions and law firms reevaluate business models, the legal community is primed to make room for subtler voices.

The impetus for this book is both personal and professional. I was an introverted law student, and I remain an introverted lawyer and law professor today. I feared the Socratic Method in law school, fumbled my 1L (first-year) oral argument, dreaded most deposition and court appearances in the first 15 years of my litigation career, fretted about commanding a classroom in my first year of teaching law, and rarely spoke in contentious faculty meetings. Much of the time, I felt like a fraud, faking extroversion to strive and achieve. Yet, from the beginning of my legal career, my brain happily buzzed with complex legal issues, theories, and strategies. When I sat down to write lengthy briefs as a junior associate at the law firm, my thoughts flowed and I communicated legal concepts in a persuasive manner to advocate passionately for my clients. I read, listened, contemplated, analyzed, and wrote. Over the past two decades, I have composed reams of briefs, and penned law review articles and books to help novice lawyers litigate. However, in frequent flashes of self-doubt, I continued to worry: was there no true place for me in the law because

I flinched in the throes of a Socratic grilling by a professor, colleague, opposing counsel, or judge?

Well-meaning, extroverted mentors throughout my legal career have urged: “Just speak up!” “Get your nose out of that book and spout an opinion!” “Grow a thicker skin!” “Just do it!” . . . As if I could just tie on a pair of Nikes and bungee-jump my way into the Socratic bonanza with zest. I thought there was something wrong with me. There wasn’t. I am an introverted lawyer and law professor, and I am good at my job. I just do it quietly. And deeply.

In many law school and law office communities, students and lawyers who are introverted, shy, or socially anxious—three distinct categories, with important differences explored in Chapter 1—experience high levels of stress. Many of these individuals worry that they are not cut out for the practice of law. Some extroverted professors and lawyers unconsciously or unwittingly reinforce this message in classrooms, law offices, and courtrooms every day, not yet understanding the valuable assets that quiet individuals bring to our profession. In faculty meetings and academic conferences, some extroverted law professor colleagues have questioned why some students never volunteer in class. “If these students don’t want to speak or participate,” these confident academics query, “why choose law school?” Some professors cold-call students in class, schedule in-class oral argument assignments without realizing that students first need more context and training, and seem surprised if a student does not readily share a gusto for oral advocacy. Their argument in support of that pedagogical approach is that law school trains students to “think like lawyers,” and thus, the classroom should mirror the “rigor” of the courtroom or boardroom.<sup>2</sup> Some professors argue that cold-calling—and the attendant heightened level of anxiety—is the best way to ensure students are prepared for class. Meanwhile, ever since I outed myself in the legal academy as an introverted and formerly shy lawyer who overcame an extreme case of public speaking anxiety, smart but reticent students email me, confiding internal conflict; they are petrified about oral argument assignments and cold-calling in Socratic Method–run classes, yet they yearn to share their budding ideas about the law. To not miss out on the bounty of these thinkers, we need to bridge this divide and help introverted, shy, and socially anxious law students and lawyers find their authentic lawyer voices.

As a card-carrying introvert and someone who struggled with severe anxiety toward public speaking for too many years in the legal context—where extemporaneous discourse is lauded—I fell victim to the pressure to be something I was not. “Fake it till you make it!” many extroverted coworkers, friends, and acquaintances exclaim, clinking glasses and high-fiving. That approach does not work for introverts, and it is not a realistic long-term solution for those who suffer from anxiety toward interpersonal interaction in the legal arena.

Susan Cain, renowned author on introversion, validates that “the bias against quiet can cause deep psychic pain.”<sup>3</sup> By pushing introverted law students and lawyers to feign extroversion, we do many intelligent and hard-working individuals—and the legal profession—a serious disservice.

Through extensive psychology-based research and self-study, digging into my personal history to understand the roots of my preference for quiet and my instinctive resistance toward instantaneous legal discourse before my thoughts are fully shaped, I now embrace introversion as an asset in teaching and litigating. Do I often still blush and break out in blotchy hives when I voice legal opinions and teach law? Yes, routinely. But I convey my passion for and commitment to the might of the legal profession by finally being genuine: analyzing legal concepts quietly, appropriating the time I need to reflect before speaking, and communicating when ready, using the power of the written word to amplify my voice. A voice does not need to boom to have an impact. Nor do the words or delivery need to be perfect. As activist Maggie Kuhn once said, “Speak your mind—even if your voice shakes.”

This book champions the power of introversion within the legal profession, urging the legal academy and law practice to make room for the quiet thinkers and writers. Through this book, I endeavor to instigate my fellow introverts to *seize* your quiet space. This manifesto is for the many law students and new lawyers who experience overwhelming anxiety in a Socratic dialogue, who feel they have to force an extrovert persona, and who ride tsunamis of self-doubt over their chosen profession. Introversion in the law profession is a gift.

The journey of this book has two parts. The first half: (1) explains the differences among introversion, shyness, and social anxiety and how each can manifest in the legal context, (2) explores the impact on quiet individuals of the push toward extroversion in law school and law practice, and (3) highlights greatly valued proficiencies (i.e., active listening, deep thinking, sensitivity, empathy, thoughtful writing, etc.) that introverts (and shy or socially anxious individuals) can offer to the legal profession, by nurturing instead of repressing innate strengths. As Voltaire said in *Candide*, “Il faut cultiver notre jardin”: “We must cultivate our garden,” or “We need to work our fields.”<sup>4</sup> While literati interpret this line multiple ways (some of which imply self-absorption to the exclusion of others—which is not my aspiration or exhortation), I instead translate it as a message of emancipation. No longer bound by the expectation to don a fake extrovert mantle, and instead free to incubate germinating ideas about the law and nourish alternative problem-solving techniques, introverts can transform our profession.

Of course, in numerous circumstances, lawyers must be equipped to interact interpersonally with confidence and vigor. Thus, to help quiet law students and lawyers become authentically powerful advocates in both deed *and* word,

the second half of this book outlines a practical seven-step process to help introverted, shy, and socially anxious individuals amplify their voices without compromising or suppressing their quiet strengths—repackaging their perceived challenges into valuable lawyering competencies.

Stress is already a hallmark of legal education and practice. According to the Dave Nee Foundation, studies show that: (1) matriculating law students exhibit a collective psychological profile reflective of that of the general population, yet, after graduation, 20 to 40 percent of graduates indicate a psychological dysfunction, (2) 26 percent of attorneys who pursue counseling reference anxiety and depression, (3) 19 percent of lawyers struggle with “statistically significant” heightened depression levels, and (4) “[l]awyers are 3.6 times more likely to suffer from depression than non-lawyers.”<sup>5</sup> According to the website LawyersWithDepression.com, an estimated 30,000 to 60,000 American law students battle depression during their law school tenure.<sup>6</sup> Numerous surveys reveal “high levels of unhappiness, stress, and depression among lawyers and law students.”<sup>7</sup> Studies show that “[a]ttorney distress is an empirically documented phenomenon. Depression and alcoholism, for example, appear to occur among attorneys at about twice the rate found in the general population.”<sup>8</sup> Statistics confirm that divorce rates of attorneys exceed those of the general population and other professionals.<sup>9</sup> Professor Larry Krieger of Florida State University College of Law, who studies the mental health of law students and lawyers, “reported that between 20 and 40 percent of law students suffer from clinical depression by the time they graduate; that the incidence of clinically elevated anxiety, hostility, and depression among students is eight to 15 times that of the general population; and that, out of 104 occupational groups, lawyers rank the highest in depression and fifth in incidence of suicide.”<sup>10</sup> Sadly, research indicates that “[l]awyers, as a group, are twice as likely to commit suicide as the general public.”<sup>11</sup> With these statistics as a backdrop, the legal community owes our newest and next generations of lawyers our most profound commitment to seeking ways to reduce unnecessary stress. Introverted, shy, and socially anxious law students and lawyers, whom we goad into forced extroversion—without honoring differences in the ways humans learn, process, and debate complex analytical concepts—are at risk of needless anxiety and depression.

This book aims to empower educators to adjust the way we teach law: rather than expecting all new students to leap immediately at the opportunity for a Socratic drilling starting on the first day of law school, we first should overtly teach the *purpose*—and transparently model the *Q and A pattern*—of this type of legal query. By expressly explaining *why* and *how* we use this teaching technique, and arming students with sufficient knowledge of how best to prepare

for class (and handle situations in which they might not know how to answer a professor's question), we can peel away at least one layer of the anxiety associated with learning an unfamiliar legal language and mode of communication. Without sacrificing any rigor of the law school experience, we also can afford naturally quiet but thoughtful individuals time and space to contemplate thorny legal concepts, and then experiment with communicating legal theories in their own authentic voices. This book also aspires to spark a refreshed perspective in law firm managers about junior associates who prefer to squirrel away in the library, or behind a closed office door. These quiet thinkers just might generate a brief or a solution to a legal problem that will stun the world. Appendices A and B provide key takeaways and practical suggestions for educators and practice mentors who hope to effectively tap into these quiet voices in a healthy and productive manner. Most importantly, this book rallies quiet law students and lawyers to embrace their potent traits and use them to recalibrate the profession—through thoughtful pondering of tough legal principles, active listening to clients, empathy, “sensitivity to nuance,”<sup>12</sup> instrumental legal writing, collaborative resolution of disputes, and artful persuasion.

Marti Olsen Laney, Psy.D., author of *The Introvert Advantage: How to Thrive in an Extrovert World*, quotes Michael Pollan's *The Botany of Desire*, in stating, “The tulip is an introvert among flowers.”<sup>13</sup> Noting how tulips hibernate all winter before blooming in colorful flourish every spring, Dr. Laney observes, “Given the right conditions, tulips are hardy and bloom longer than many other flowers. But they won't bloom at all if conditions are inhospitable. Introverts are like that, too.”<sup>14</sup> By shaping a conducive intellectual and interpersonal climate where introverts can thrive, they will revolutionize the legal profession. Let the quiet upspring begin.