

Preface

Today I sit down to start writing this book. Day one. Page one. It's my sixth book. By society's standards, I'm officially a writer, an author. All the stars are aligned. I have a book contract. I mapped out a writing schedule: two hours every morning for the next 60 days to complete the manuscript's first draft. I have a chapter-by-chapter outline and 100 already-typed-up pages of research material. I slept pretty decently, for a change. My usual 3 a.m. insomnia granted me a night off. This morning, I awoke, retrieved my iPhone from the living room, slid back under my weighty Anthropologie blanket, tapped open my Insight Timer meditation app, slipped my headphones into my ears, closed my eyes, and listened as a female voice greeted me with a chirpy, "Hi, beauty!" before she guided a 12-minute meditation on clarity, motivation, and confidence. Afterward, while a pot of Trader Joe's coffee percolated in the kitchen, I wrote three longhand stream-of-consciousness pages (a creativity ritual inspired by Julia Cameron's book *The Artist's Way*) in my journal, a new one I bought a few months ago at a museum next to the Duomo in Milan. It has a brown cover with the Italian word *marrone* stamped in lime green ink. *Brown*, like my last name. My apartment is quiet, except for the occasional Brooklyn honking horn. I've allocated the next two hours to begin to write this book that I've been thinking about for a year and living for, oh, approximately 27 years since the day I stepped onto the grounds of The University of Virginia School of Law as a 1L law student.

The blank page on my laptop taunts me. *I dare you to start.* I divert for a moment to craft an indulgent, philosophical, self-motivational Instagram post for my @introvertedlawyer account about how I'm commencing this new huge writing project and am hereby putting it out into the universe. I attach an empowering new "author photo" captured by my photographer friend Krista. In it, I'm striking a Wonder Woman pose in a Denver alleyway flanked with artsy graffiti: hands on hips, the flaps of my favorite leather jacket resting atop a vintage David Bowie T-shirt. An attempt to exude "fearless writer vibe." Right now, in my apartment, staring at a blinking cursor, I hesitate. *How am I going to do this? What if I don't have enough to say? What if people think it's ridiculous?* On cue, an Instagram meme pops into my feed: "It's better to create something that others criticize than to create nothing and criticize others."¹

Just write it. Write about fear.

What exactly is fear? Before we embark on this quest to define it for ourselves in the context of the legal profession, let's start with a few official dictionary definitions:

- “An unpleasant emotion caused by the belief that someone or something is dangerous, likely to cause pain, or a threat.”²
- “An unpleasant or strong emotion caused by anticipation or awareness of danger.”³
- “A distressing emotion aroused by impending danger, evil, pain, etc., whether the threat is real or imagined.”⁴
- “A feeling induced by perceived danger or threat that occurs in certain types of organisms, which causes a change in metabolic and organ functions and ultimately a change in behavior, such as fleeing, hiding, or freezing from perceived traumatic events.”⁵
- “Profound reverence and awe.”⁶

This last one is interesting. Reverence and awe. Reminds me of a sense of wonder. Quite different from danger and threats.

I was pretty fearful for the bulk of my life. In high school, I was an A student, yet I feared failing. I feared criticism—of my developing interests in and opinions about politics, religion, music, culture—from my devoutly religious parents and grandparents. I feared the feeling of exclusion from the cool kids. Transitioning to college, I feared rejection, abandonment, and loss as I stepped into new relationship territory. Entering law school as a naïve 21-year-old, I feared being cold-called by my intimidating law professors. I feared turning red and breaking out in blotchy hives when I got nervous speaking in class or performing mock oral arguments. After I survived three years of law school, passed the bar exam, and started a prestigious high-paying new job as an associate in a boutique construction litigation firm in the Washington, DC, metropolitan area, I feared making a mistake. I feared looking stupid. I feared not knowing or finding the answer. While I loved legal research and writing, and thrived in those roles, I feared taking depositions, going to court, and fighting with opposing counsel. Yet, I forced myself to do all these things. I absorbed and epitomized the mantras: “Just do it!” “Face your fears!” “Fake it till you make it!” I navigated many of these life and legal experiences successfully (by external standards), but I was anxious, depressed, and profoundly lonely much of the time—for nearly *two decades* of law practice and the prime of my twenties and thirties.

I'm a law professor and a writer now. I live in New York City. I travel the world. I attend a ridiculous number of U2 concerts. I take boxing lessons. I'm not the slightest bit afraid to take the subway home to my Brooklyn apartment in the wee hours of the night. Or jump on a plane to a place I've never been and figure out a foreign city alone. Or put myself in a boxing training ring with an ex-Olympic fighter even though I look like a hyperventilating crimson-faced fool. Yet, I experience heart-pounding fear in anticipation of the expectation to speak my mind about controversial subjects at intense faculty meetings. I still battle an onslaught of nerves every time I do a book talk for *The Introverted Lawyer* or a legal conference presentation about topics that are vitally important to me. I feel nauseated and want to hide whenever a new piece of my writing goes live.

Rationally, this contradiction makes no sense.

Why am I afraid in my legal world? What is the perceived *danger* or *threat* to my well-being in this arena for, and within, which I have been training since I set foot in my first Civil Procedure class in law school? Why am I *not* afraid in the face of more tangible, realistic, concrete hazards to my physical safety posed by late-night subway rides or international airline travel? Why do I *not* fear judgment about my appearance and athletic limitations in a boxing ring, but I get a migraine thinking about turning red in an oral argument? In the legal realm, intellectually, I pretty much know what I'm doing now—substantively, procedurally, and (usually) tactically. I “should” feel and exude genuine and hard-earned confidence, grounded in experience and expertise. In contrast, I have absolutely *no idea* what I'm doing when I'm meandering the streets of Málaga, Dublin, or Buenos Aires. But there, the unknown excites me.

Likewise, I have zero expertise, proficiency, or background in the boxing ring. I “should” be completely self-conscious about my epic blushing and profuse sweating into the skull-and-crossbones SoulCycle bandana wrapped around my head. Yet there, I'm able to let go of insecurity and push myself as hard as I physically and emotionally can. It's exhilarating.

This book aims to untangle the difference. Why do some of us experience acute fear in lawyering when other colleagues don't? Why do some of us encounter fear in our professional lives but emanate wonder, audacity, and sheer awesomeness in other venues? Many of us have forced ourselves for years to personify the mantras: *Face your fears. If your dreams don't scare you, they're not big enough. There's nothing to be afraid of. Just do it.* In my experience, these slogans are unhelpful, dare I say useless, harmful even. Our fears *are* real—to us. They are valid and not to be minimized, tossed aside, or repressed—any more. Instead, let's untangle our fears. Let's identify and extract their component parts and drivers. Let's distinguish fear from other emotions. Let's parse out

situations in which we “shouldn’t” (by society’s standards) feel fear but do, and scenarios in which we understandably (by society’s standards) could be afraid but aren’t. By truly understanding fear in the context of lawyering and life, we can distill it to its potentially useful properties, cast off the unconstructive parts, and transform this entity into a wellspring of mighty strength in lawyering.

I invite you to step into this self-discovery process with me. As I commence this new project, I am energized. Finally figuring out fear is important to me, for myself, for the amazing law students stepping into classrooms each year, and for all the lawyers out there who are working doggedly but feel hamstrung by anxiety, doubt, and other stressors that can affect mental health. This journey starts with transparency. So, in the spirit of honesty and openness, the fears I hold right in this precise moment are

- not getting this writing work done (even though I always do);
- running out of ideas (though I have a chapter-by-chapter outline);
- being criticized (so what; it’s happened before and I lived).

Skeptics might ask, if this lawyering stuff (or this writing stuff) scares us so much, why do it? Why not just take the easier path and go do something else? My answer is: if one—literally one—person within our profession is touched by an open discussion about the reality of fear in lawyering, and feels supported in figuring out a better, healthier, more fulfilling way to practice law, every moment of self-doubt is supremely worth it. Together, we can figure this out, not by burying our fear, but by yanking it right out into the open.

As noted earlier, I’m a huge fan of the Irish rock band U2. I know that might induce some eye rolls, but please bear with me for a minute. These four musicians have worked together for over 40 years; amassed fame, fans, and fortunes; and checked all the boxes of success in marriage, parenthood, and philanthropy. They seem to have it all. And yet, the reality of fear permeates their music. Consider googling the “fear” lyrics in these songs: “Bullet the Blue Sky,” “Red Hill Mining Town,” “Every Breaking Wave,” “Raised by Wolves,” and “Iris”!

As we start this adventure together, you might start taking note of how often you see or hear references to fear throughout your day or week in lyrics, advertisements, or slogans (and write and let me know about them: heidi@theintrovertedlawyer.com!). The day I started researching this book, a year before I began writing it, I walked past a piece of graffiti on a wall in the Flatiron District in New York City that said, “Sorting out where your fear ends and mine begins.”⁷ Fear infiltrates many aspects of our daily lives but we rarely take time to talk to one another openly about it. I’m eager to dig into fear with

you, what it is, and what it isn't. Let's openly acknowledge the reality of fear in lawyering, in writing, in the art that we create as change makers and advocates. Then together, we can help one another untangle fear in a genuine, transparent, vulnerable, and ultimately healthy way. As Steven Pressfield, author of *The War of Art*, stated, "The counterfeit innovator is wildly self-confident. The real one is scared to death."⁸



In January 2018, the *ABA Journal* ran an article I wrote called "Turning the Fear of Lawyering into the Power of Advocacy."⁹ The piece started with a flashback to the 1992 hit movie *A League of Their Own*, in which Tom Hanks's character—a coach of a women's baseball team—admonishes a sobbing right fielder and barks: "There's no crying in baseball!" This catchphrase always reminds me of messages conveyed in the three aggressive litigation firms where I worked (one BigLaw and two boutique litigation shops): "There's no fear in lawyering! Just do it!" Well-meaning mentors in the early years of law practice furthered this ethos, prodding my fellow junior associates and me into stressful deposition scenarios or first-time courtroom experiences with "Fake it till you make it! Show no fear!"

In the *ABA Journal* piece, I briefly chronicled my endeavors to "just do it." I threw myself into trial advocacy seminars in law school. In law practice, I jumped feet-first into antagonistic interactions with gruff law firm partners, hard-charging opposing counsel, and curt judges. Meanwhile, I thought there was something wrong with me because, quite honestly, I constantly was afraid. I worried I was not cut out for the law, or at least the litigation path I had chosen, even though I loved researching and writing, thinking and analyzing, strategizing and problem solving. In pondering exactly what to do about fear, the usual hortatory slogans come to mind: Fight it, Conquer it, Battle it, Overcome it. These verbs imply that fear is a blobby foe that can be knocked out, skirted, or stepped over. In reality though, the worrisome aspects of doing our jobs as lawyers cannot be carted away in a banker's box. Law school is inherently fraught with apprehension about grades, the curve, making law review or moot court teams, passing the bar exam, and landing a job. Law practice likewise ignites panic over deadlines, win-lose dynamics, and partnership tracks. So instead of just "staring down fear"—a message that sounds empowering but really does not work—I suggested in the *ABA Journal* article, and I urge now in this book, that law students and lawyers first must learn how to *distill* fear, or *untangle* it.

The verb "distill" means to "extract the essential meaning or most important aspects of" something, or to "purify a liquid by vaporizing it, then condensing

it by cooling the vapor, and collecting the resulting liquid.” “Untangling” is defined as “making something complicated or confusing easier to understand or deal with” or “removing the twists or knots in something.” My belief is: if we get to know the entity of fear that permeates lawyering and talk about it out loud, we can distinguish its useful and useless components and transform our emotional, mental, and physical relationship with fear into powerful advocacy.

Scientists confirm that fear blocks learning and performance. It can stoke anxiety and depression in a profession already saturated with mental health challenges. If we can turn down the dial of stress and anxiety even *one* notch for even *one* struggling individual in our profession by sparking a dialogue about the reality of fear in lawyering, let’s do it. We can remove a thick layer of stress from law students and junior lawyers—good thinkers, writers, and problem solvers—by expressly acknowledging that some lawyering tasks may be more daunting for some individuals than others. We then can provide not only substantive and tactical guidance but also mental, physical, and emotional strategies for untangling fear and optimizing performance.



Part I of this book discusses the reality, causes, manifestations, and consequences of fear in legal education and practice, from the standpoint of law students, junior attorneys, and even clients. Fear in lawyering impacts the mental health and well-being of law students and attorneys. (In fact, the profession has convened a dedicated group, the National Task Force on Lawyer Well-Being, which expressly mentioned fear in its first official report.) In Part I, we identify and acknowledge lawyering scenarios that likely will ignite more distress in some individuals than others. We also look at how courts handling attorney malpractice and disciplinary cases have directly acknowledged the role of fear in how lawyers make and handle mistakes—an inevitable occurrence in our profession that we need to discuss more in law school and in practical training.

Part II analyzes fear from a cognitive, physical, and emotional perspective. Instead of ignoring or pushing through fear, we must take the time to study the basic science of it and untangle it. Then, we can start to distill fear into its fundamental properties, and realize how we can channel its mental, physical, and emotional elements into impactful advocacy. Part II explains how fear—without conscious attention to it—obstructs classroom learning and professional performance. It also can mask itself in other unproductive emotions or reactive responses like anger, resentment, jealousy, anxiety, and depression, causing individuals to shut down and *resist* learning and engaging interpersonally. In this section, we begin to set aside unhelpful messages like “Fear is

motivating” or “Just push through it” and instead honor vulnerability, authenticity, and humility in our educational and professional development.

Part III draws guidance from how other industries address fear (and mistake-making) in education and training. This section gathers some examples from the professional fields of medicine, journalism, engineering, entrepreneurship/business, and sports, with the goal of extracting teaching and training insights that might transfer well and be useful in our legal arena.

Finally, Part IV provides a tangible four-step process for law students and lawyers to reframe fear into fortitude:

1. First, we will identify, compare, and analyze scenarios in our personal and professional lives that *might be expected* to induce fear but do not, and those that arguably *should not* incite fear, but do.
2. Next, we will reframe and reboot our *mental* approach to fear in lawyering—using vulnerability, authenticity, and humility to tap into personal power.
3. Then, we will cultivate an athlete’s mind-set toward the *physicality* of fear.
4. Finally, we will foster a culture of fortitude in tackling individual legal challenges and in helping others within our profession untangle fears.

The book concludes with an appendix summarizing the foregoing steps in a handy checklist, plus two additional appendices providing recommendations for how legal educators and law practice managers can cultivate learning and training environments that address character-in-context, fear, and mistake-making in lawyering. A fourth appendix provides insights on how we can help our clients untangle fears. A final appendix suggests topics for “Untangling Fear” discussion groups, workshops, or courses that could be offered in a law school or law practice environment.



We choose love over fear.

—Bono, Paris, December 7, 2015, at a rescheduled concert after the November 11, 2015 terrorist attacks in the French capital.