

THREE KEYS FOR MASTERING EMOTIONS

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Traditional legal education provides core skills, but not the complete range necessary for flourishing as a lawyer. The standard curriculum develops the logical and linguistic abilities¹ needed for passing the bar and performing an entry-level job, but neglects the managerial and relationship skills essential to advancement in the profession. Thus, it prepares students more for entry into the profession than for success thereafter. Leading lawyers, however, are rarely those with the highest law school grade point average.

In fact, in some ways, legal education impedes long-term success. “Thinking like a lawyer” often entails looking at the dark side of life.² Such thinking leads to a pervasive pessimism that contributes³ to the high levels of depression and drug abuse within the profession.⁴ Law school also introduces students to the adversary system, a win-loss game, which if extended outside litigation has deleterious consequences for well-being⁵ and relationships with clients, colleagues and adversaries.⁶

Much of what is missing from legal education falls within the domain of “emotional intelligence,” an aptitude that assumes increasing importance over one’s career.⁷ Emotional intelligence entails both identifying and managing emotion.⁸ Specific skills learned include

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¹ See HOWARD GARDNER, *MULTIPLE INTELLIGENCES: NEW HORIZONS* 12 (2006) (logic and linguistic aptitudes form the basis of IQ); *id.* at 5 (describing IQ as “the mind of the law professor”).

² See MARTIN E.P. SELIGMAN, *AUTHENTIC HAPPINESS* 178 (2002) (“Pessimism is seen as a plus among lawyers, because seeing troubles as pervasive and permanent is a component of what the law profession deems prudence. A prudent perspective enables a good lawyer to see every conceivable snare and catastrophe that might occur in any transaction. The ability to anticipate the whole range of problems and betrayals that nonlawyers are blind to is highly adaptive for the practicing lawyer who can, by so doing, help his clients defend against these far-fetched eventualities.”).

³ See *id.* at 177 (pessimism causes demoralization among lawyers).

⁴ See SUSAN SWAIM DAICOFF, *LAWYER KNOW THYSELF: A PSYCHOLOGICAL ANALYSIS OF PERSONALITY STRENGTHS AND WEAKNESSES* 8-13 (2006) (describing studies).

⁵ See SELIGMAN, *supra* note 2, at 180-81 (observing that the adversary system is a win-loss game that fosters negative emotions and poor health).

⁶ See Leonard L. Riskin, *The Contemplative Lawyer: On the Potential Contribution of Mindfulness Meditation to Law Students, Lawyers and Their Clients*, 7 HARV. NEG. L. REV. 1, 17 (2002) (“[L]awyers’ preoccupation with the adversary system “often deprives clients of the kind of service they need.”).

⁷ See DANIEL GOLEMAN, *EMOTIONAL INTELLIGENCE* xv (2006) (“At the very highest levels, competence models for leadership typically consist of anywhere from 80 to 100 percent EI-based abilities. As the head of a global executive search firm put it, ‘CEOs are hired for their intellect and business expertise – and fired for a lack of emotional intelligence.’”); *id.* at xii (at Johnson & Johnson, “those identified at midcareer as having strong leadership potential were far stronger in EI competencies than their less-promising peers”).

⁸ See Daniel Goleman, *An EI-Based Theory of Performance*, in *THE EMOTIONALLY INTELLIGENT WORKPLACE* 27-44 (Cary Cherniss & Dan Goleman eds., 2001).

reducing stress, cultivating self-awareness, recognizing and managing emotions, optimizing performance, and relating to others.⁹

For six years, I have taught a three-credit course, entitled Emotional Intelligence: Life Skills for Lawyers, which surveys the full range of emotional intelligence skills. In doing so, I have found it useful to distinguish three components of an emotion: physiology (sensations and movements of the body), focus (an object of attention) and meaning (the narrative associated with that object).¹⁰ These components comprise elements that identify an emotion and provide keys for managing it.

Take, for example, a young lawyer, whom I will call Kathy. Let's say that she feels trepidation over an approaching oral argument. This emotion invokes certain sensations and movements (butterflies in the stomach, sweaty palms, shallow breathing), a focus on an object (perhaps herself) and a meaning attached to that object (a story in which she is judged a failure). These three elements provide potential points for intervention. Kathy could move her body, shift her focus, or change the meaning she attaches to the situation.

Scientific study and classroom teaching experience show the critical role that physiology, focus and meaning play in emotions. This article describes these elements and offers experiential exercises that use them in four contexts: reducing stress, minimizing negative emotions, optimizing performance, and handling relationships. In doing so, it provides three keys for mastering emotional intelligence in everyday life.

I. Understanding the Three Keys.

Appreciating the three keys does not require comprehensive synthesis of the vast literature on emotion.¹¹ All that is needed is a recognition that emotions can be understood in terms of either biology or cognition. Both perspectives are necessary.¹²

⁹ For different lists of emotional intelligence skills, see. DAVID CARUSO & PETER SALOVEY, *THE EMOTIONALLY INTELLIGENT MANAGER* 25-26 (2004) (identify, use, understand, and manage emotions); GOLEMAN, *supra* note 7, at 43-44 (knowing one's emotions, managing emotions, motivating oneself, recognizing emotions in others, and handling relationships); Reuven Bar-On, *The Bar-On Model of Emotional-Social Intelligence*, 18 *PSICOTHEMA* suppl. 21 (2006) (self awareness and self expression; social awareness and interpersonal relationships; emotional management and regulation; change management; self motivation). For comparison of these approaches, see Peter Salovey and John Mayer, *Models of Emotional Intelligence*, in *EMOTIONAL INTELLIGENCE: KEY READING ON THE MAYER AND SALOVEY MODEL* 88 (Peter Salovey, et al. eds., 2004).

¹⁰ See ANTHONY ROBBINS, *AWAKEN THE GIANT WITHIN* 155-163 (1992) (describing the effect of physiology and focus on emotions and the impact of focus on meaning); *id.* at 74 (observing the importance of the meaning that we attach to the events of our lives).

¹¹ For a useful sample, see *WHAT IS AN EMOTION?* (Robert C. Solomon, ed., 2003).

¹² See Robert C. Solomon, *Introduction*, in *id.* at 1 (“[T]hese two sets of considerations, the physical and the conceptual, are both essential to any adequate answer to the question ‘What is an emotion?’”). See also Stanley Schachter & Jerome E. Singer, *Cognitive, Social and Psychological Determinants of Emotional State*, 69 *PSYCH. REV.* 379, 398 (1962) (suggesting that “emotional states . . . are a function of a state of physiological arousal and of a cognition appropriate to this states of arousal”).

The literature on emotion reveals that physiology, focus, and meaning influence emotions in different ways. Altering physiology has a powerful, immediate impact on our mental states. Focusing on a particular object adds specificity. Changing meaning promises lasting effect, but takes longer.

A. Physiology: Powerful and Immediate Impact.

Scientists have long recognized the importance of biology in our emotional life. William James gave the body the central role in our emotions. He claimed that “bodily changes follow directly the perception of the exciting fact, and that our feeling of the same changes as they occur is the emotion.”¹³ James continued “we feel sorry because we cry, angry because we strike [and] sad because we tremble.”¹⁴ His account exerts continuing influence.¹⁵ Writing over a century later, Antonio Damasio updates James by detailing a feed back loop in which an object first triggers an emotion, which is only later mapped onto neural structures where the sense of self resides.¹⁶

Thus, modern science confirms that physiology has a powerful, instantaneous impact on our emotional life. Within the brain, the amygdala, the part which initiates emotion, sometimes acts even before information has been processed by the neocortex, the portion which creates meaning.¹⁷ We can feel and act without knowing why. These feelings and actions reinforce the emotion. Running increases the arousal which caused us to flee. Facial expressions arise automatically¹⁸ but also reinforce the underlying emotion.¹⁹

Powerful as it is, physiology has a generalized effect. Modern science describes the inner bodily processes associated with various emotions: sympathetic arousal (fight-or-flight),

¹³ See William James, *What Is an Emotion?*, 9 MIND 188, 189-190 (1884 (italics and capitalization omitted)).

¹⁴ *Id.* at 190. The complete passage is “Common sense says, we lose our fortune, are sorry and weep; we meet a bear, are frightened and run; we are insulted by a rival, are angry and strike. The hypothesis here to be defended says that this order of sequence is incorrect, that the one mental state is not immediately induced by the other, that the bodily manifestations must first be interposed between, and the more rational statement is that we feel sorry because we cry, angry because we strike, afraid because we tremble, and not that we cry, strike, or e, because we are sorry, angry, or fearful, as the case may be.” (italics omitted).

¹⁵ See Solomon, *supra* note 12, at 1 (alluding to “the still dominant Jamesian theory”). For an example of James’s continuing influence, see Schachter & Singer, *supra* note 12, at 398 (“Given the same cognitive circumstances, the individual will react emotionally or describe his feelings as emotions only to the extent that he experiences a state of physiological arousal.”).

¹⁶ See ANTONIO DAMASIO, *THE FEELING OF WHAT HAPPENS: BODY AND EMOTION IN THE MAKING OF CONSCIOUSNESS* 283 (1999) (describing five-step process in which (1) an object engages the organism, (2) signals activate emotional-induction neural sites, (3) those sites trigger the range of body and brain responses that constitute the emotion, (4) first order neural maps represent changes in body state and (5) the pattern of neural activity is mapped onto second order neural structures, altering the proto-self).

¹⁷ See GOLEMAN, *supra* note 7, at 17.

¹⁸ See DANIEL GOLEMAN, *SOCIAL INTELLIGENCE* 98 (2006) [Hereinafter *SOCIAL INTELLIGENCE*] (“microexpressions, which occur in less than a third of a second, are “spontaneous and involuntary”).

¹⁹ See Robert W. Levinson, Paul Ekman, & Wallace V. Frierson, *Voluntary Facial Action Generates Emotion-Specific Autonomous Nervous System Activity*, 1990 PSYCHOPHYSIOLOGY 27.

parasympathetic arousal (love), loss of energy (sadness).²⁰ Many of these processes, however, are nonspecific,²¹ and must be clarified by cognition.²² The initial fight or flight response, for example, is consistent with either anger or fear, very different emotions.²³

Analyzing facial expressions adds greater detail. Our faces engage a specific muscle pattern as we feel an emotion. Those patterns distinguish anger from fear, and identify additional emotions like disgust and contempt.²⁴ Nonetheless, the picture is still very general. The biological account points to only five to nine basic emotions.²⁵

B. Focus: Greater Specificity.

Biology and cognition both give weight to the external event giving rise to the emotion.²⁶ The event can be a present occurrence or a remembered experience.²⁷ In biological terms, the event is the stimulus triggering an emotional response.²⁸ In cognitive terms, the event is a provocation requiring an appraisal of its significance for personal goals.²⁹ This appraisal can be either automatic or deliberative.

The object adds specificity to the emotion. In ambiguous situations, the object can even be provided after the physiological arousal. In a famous experiment, men crossed a precarious suspension bridge and were interviewed by an attractive woman, who supplied her phone number to answer questions about the experiment. Those whom she interviewed immediately after crossing were more likely to call her afterwards than those who rested before the

²⁰ See GOLEMAN, *supra* note 7, at 6-7 (describing processes associated with common emotions).

²¹ See Walter B. Cannon, BODILY CHANGES IN PAIN, HUNGER, FEAR AND RAGE (1929) (observing that the same visceral changes occur in very different emotional states) (1894), reprinted in WHAT IS AN EMOTION?, *supra* note 11, at 78, 80.

²² See Schachter & Singer, *supra* note 12, at 398 (“Given a state of physiological arousal for which an individual has no immediate explanation, he will label this state and describe his feelings in terms of the cognitions available to him. To the extent that cognitive factors are potent determiners of emotional states, it should be anticipated that precisely the same states of physiological arousal could be labeled ‘joy’ or ‘fury’ or ‘jealousy’ or any of a great diversity of emotional labels depending on the cognitive aspects of the situation.”).

²³ Differences in blood flow differentiate anger from fear. See GOLEMAN, *supra* note 7, at 6.

²⁴ See PAUL EKMAN, EMOTIONS REVEALED 82-212 (2003) (describing facial expressions accompanying sadness, anger, fear, disgust, and happiness).

²⁵ See *id.* (listing five groups of emotions); GOLEMAN, *supra* note 7, at 289-290 (listing eight primary emotions).

²⁶ See John Dewey, *The Theory of Emotion* (“[T]he full emotional experience . . . always has its ‘object’ or intellectual content.”) (1894), reprinted in WHAT IS AN EMOTION?, *supra* note 11, at 85, 92.

²⁷ See RICHARD S. LAZARUS & BERNICE N. LAZARUS, PASSION AND REASON: MAKING SENSE OF OUR EMOTIONS 149 (1994) (a mere memory can give rise to an emotion).

²⁸ See text accompanying note 13 *supra* (James’s reference to an “exciting fact”) and note 16 (Damasio’s reference to “an object”).

²⁹ See LAZARUS & LAZARUS, *supra* note 27 at 148 (“A provocation is an event that is deemed personally significant.”); *id.* at 143 (“Appraisal is an evaluative judgment about this significance.”).

interview. The men seemingly attributed their rapid breathing and fast heartbeats to romantic feelings.³⁰

Thus, attention plays a critical role in emotion. What we notice determines how we feel. Shifting our focus, therefore changes our emotions. Common strategies for coping with unwanted objects include focusing on something else, distancing the object or just ignoring it. These strategies are temporary. Avoidance merely postpones the emotion, prolonged distancing detaches us from our emotions and other people, and denial often delays effective problem-solving.³¹

C. Meaning: Lasting Effect.

Emotions run more deeply than physiology and the object of attention. Also important is the appraisal process – determining the meaning of an event. This cognitive process mediates between our goals and beliefs and the environment.³² Each emotion reflects a different appraisal, which consists of a simple narrative.³³ For example, anger involves “a demeaning offense against me or mine,”³⁴ sadness, “an irrevocable loss,”³⁵ happiness, “making reasonable progress towards attaining our goals.”³⁶ Cognition thus enriches our emotional life, going beyond the basic emotions.³⁷

When available, reappraisal is a powerful, long-term coping strategy.³⁸ Changing the meaning of the situation minimizes the chance that such event will retrigger the emotion. Changing meaning also often entails connecting with a larger purpose, which improves long-term health. Elderly persons with a sense of purpose live longer,³⁹ as do younger people.⁴⁰

³⁰ See Donald G. Dutton & Arthur P. Aron, *Some Evidence for Heightened Sexual Attraction Under Conditions of High Anxiety*, 30 J. PERSONAL & SOCIAL PSYCHOLOGY 510 (1974).

³¹ See LAZARUS & LAZARUS, *supra* note 27, at 159,165-171.

³² See *id.* at 144.

³³ See *id.* at 151 (“An emotion is a personal life drama, which has to do with the fate of our goals in a particular encounter and our beliefs about ourselves and the world we live in. It is aroused by an appraisal of the personal significance or meaning of what is happening in that encounter.”).

³⁴ *Id.* at 20.

³⁵ *Id.* at 78.

³⁶ *Id.* at 90.

³⁷ See *id.* at 13-136 (drawing portraits of sixteen common emotions).

³⁸ See *id.* at 159 (“Reappraisal is a far more powerful emotion-centered strategy of coping than avoidance. In the long run, it may be the most effective strategy.”). See also SELIGMAN, *supra* note 2, at 69 (“Cognitive therapy techniques work equally well at producing relief from depression as antidepressant drugs, and they work better at preventing recurrence and relapse.”).

³⁹ See Patricia A. Boyle et al., *Purpose in Life is Associated with Mortality Among Community Dwelling Older Persons*, 71 PSYCHOSOMATIC MED. 574 (2009) (greater purpose associated with lower mortality risk).

⁴⁰ See Patrick L. Hall & Nicholas A. Turiano, *Purpose in Life as a Predictor of Mortality Across Adulthood*, PSYCHOLOGICAL SCI. (2014) (having a purpose in life “appears to widely buffer against mortality across the adult years”).

Reappraisal is time consuming. It entails revision of goals and reassessment of beliefs about the self and the world, a lengthy process. It is simply not possible for automatic responses.

II. Using the Keys to Develop Emotional Intelligence.

The above account may not be a complete theory of emotion, but it does serve as a powerful framework for teaching a wide array of skills. The elements are like ingredients in a recipe. Change one a bit and you may alter the taste. Change in one ingredient massively, or change several at once, and you will most certainly alter the taste.

This section demonstrates how to use the keys to learn four related skills. These skills are acquired sequentially. Stress reduction is the first, a prerequisite for further work. We cannot function well when caught up in fight-or-flight. Once stress is under control, we can manage more particularized negative⁴¹ emotions like anger, fear, and sadness. Then, after addressing negative emotions, we can tackle improving performance, which often depends upon cultivating optimism,⁴² a state which fully engages us in our life projects. Finally, handling relationships is the most challenging and rewarding skill, requiring that we negotiate emotions simultaneously in ourselves and others.

Emotional intelligence is learned experientially. Below are exercises working with each component.⁴³ Some can be experienced by simply pausing while reading the text. Others require extended time.

A. Stress Reduction.

A powerful physical method for reducing stress is diaphragmatic breathing.⁴⁴ This involves slow, deep breathing from the belly (instead of the chest), taking longer to exhale than to inhale.⁴⁵ Take a few deep breaths now and feel the difference. This simple practice is quite popular among my students.

⁴¹ All emotions serve a purpose. They are negative only when inappropriate. See CARUSO & SALOVEY, *supra* note 9, at 10-11 (observing that emotions convey information but are not always data driven).

⁴² See GOLEMAN, *supra* note 7, at 88-89 (describing studies showing that optimism predicts success among students and salesmen).

⁴³ Although each exercise inevitably implicates all components to some degree, one component often dominates.

⁴⁴ See, e.g., Daniele Martarelli, Mario Coccioni, et al., *Diaphragmatic Breathing Reduces Exercise-Induced Oxidative Stress*, 2011 EVIDENCE-BASED COMPLEMENTARY & ALTERNATIVE MEDICINE.

⁴⁵ See JAMES E. LOEHR, STRESS FOR SUCCESS 195 (1997) (suggesting breathing in to a count of four and breathing out to a count of eight).

Changing focus also reduces stress. Sitting meditation is very useful for this.⁴⁶ Its essential elements are a quiet environment, a mental device, a passive attitude and a comfortable position.⁴⁷ In a basic version, the meditator simply maintains attention on the mental device (which may be a word, image, or sensation, like the breath).⁴⁸ Techniques like meditation, which incorporate focus, seem more powerful than those that engage physiology alone.⁴⁹

Deep breathing and meditation offer immediate relief, but stress is likely to reemerge if the stressor reappears. Long-term coping entails modifying meaning. We cannot, and should not, eliminate stress from our lives. It stimulates growth.⁵⁰ But what we must do is replace anxiety with excitement. This entails reappraising the stressor as a challenge instead of a threat.⁵¹ Specific strategies include reminding ourselves that we are capable of handling the situation⁵² and treating stress management itself as a challenge.

B. Managing Negative Emotions.

Physiology is a surprisingly strong antidote for negative emotion. Exercise has a huge effect on mood,⁵³ even in small intense doses.⁵⁴ In class, I illustrate this by asking students to jump up and down, an activity that invariably elicits spontaneous laughter.⁵⁵ Assuming a smile

⁴⁶ See ROBERT E. THAYER, *THE ORIGIN OF EVERYDAY MOODS* 197 (1996) (“Meditation . . . controls anxiety-producing thoughts . . . because the mind is occupied with a nonstressful attentional focus. . . The focus of attention can be nearly anything.”).

⁴⁷ See HERBERT BENSON, *THE RELAXATION RESPONSE* 159-161(1975).

⁴⁸ Instructions for this basic relaxation response are in Appendix A, *infra*. A more advanced, “insight,” style of meditation begins with a focus on the breathing and gradually expands to encompass awareness of sounds, sensations, and thoughts as they arise. See JOSEPH GOLDSTEIN & JACK KORNFIELD, *SEEKING THE HEART OF WISDOM: THE PATH OF INSIGHT MEDITATION* 25-30 (1987) (insight meditation instructions).

⁴⁹ See Shamini Jain, et al., *A Randomized Control Trial of Mindfulness Meditation Versus Relaxation Training: Effects on Distress, Positive States of Mind, Rumination, and Distraction*, 33 ANN. BEHAV. MED. 11, 20 (2007) (concluding that although meditation and relaxation techniques both reduce stress, meditation more effectively enhances positive states of mind).

⁵⁰ See LOEHR, *supra* note 45, at 146 (“Exposure to stress is the basis of all growth, mentally, physically, and emotionally.”).

⁵¹ See LAZARUS & LAZARUS, *supra* note 27, at 224-25 (an appraisal of a threat is a negative experience that undermines performance, while an appraisal of a challenge is exhilarating and often productive).

⁵² See *id.* at 160 (to deal with anxiety, “you might say to yourself ‘I am fully capable of handling a threatening upcoming demand when it arrives’”).

⁵³ See THAYER, *supra* note 46, at 184 (“Exercise produces rapid and reliable results and it changes mood immediately. Any sort of movement that engages the larger skeletal-muscular system increases general bodily arousal and the immediate manifestation of that arousal is increased energy.”).

⁵⁴ See *id.* at 185 (“[S]ome very reliable scientific research now indicates that as little as 5 minutes of brisk walking can [increase energy]”).

⁵⁵ Philippe Halsman photographed famous people jumping. Most of his subjects naturally smiled. See PHILIPPE HALSMAN, *PHILIPPE HALSMAN’S JUMP BOOK* (1986).

also improves mood,⁵⁶ and laughter without reason seems more powerful yet.⁵⁷ You can test this now. Take a moment, smile, and then try to be sad.⁵⁸

Focusing strategies can also be used to combat negative moods. Writing practices, such as recording three good things that happen each day or keeping a gratitude journal increase happiness.⁵⁹ More powerful yet may be practices that also engage physiology. An example is the “freeze-frame,” which involves stepping back from life, and shifting attention away from our racing minds and towards our beating hearts, while re-experiencing a positive event from our lives. We ask the heart for a more efficient response to the situation and listen for an answer.⁶⁰ This technique draws upon research demonstrating that the heart influences the brain through neurons, hormones, pulses, and perhaps electromagnetic energy.⁶¹

By asking for a heart response, the freeze-frame technique invites alternative meanings. A more deliberative use of meaning to manage negative moods is cognitive therapy, which directly challenges the habitual thoughts that give rise to unwanted emotions. Dr. David Burns offers a simple formulation, the triple-column technique, which involves listing automatic thoughts, identifying their distortions, and formulating rational responses.⁶² For example, the thought “I never do anything right” is an overgeneralization, to which the response might be “I do plenty of things right.” Highly rigorous, this analysis is particularly well suited for law students. It turns critical thinking against itself.

Burns offers a long list of cognitive distortions: all-or-nothing thinking, overgeneralization, mental filter, disqualifying the positive, jumping to conclusions (mind reading; fortune telling), magnification or minimization, emotional reasoning, should statements, labeling and mislabeling, personalization.⁶³ Just reading this list invites a healthy skepticism about our pessimistic beliefs. None of our thoughts are unequivocally true; they

⁵⁶ See Mahvash Shahidi, Ali Mojitahed, et al., *Laughter Yoga Versus Group Exercise Program in Elderly Depressed Women: A Randomized Controlled Trial*, INT. J. GERIATRIC PSYCHIATRY (2010) (“[O]ur findings showed the equal efficacy of laughter therapy and exercise therapy in the improvement of depression and superior efficacy of laughter therapy over control in improving life satisfaction.”).

⁵⁷ See R.B. Zajonc, *Emotion and Facial Efference: a Theory Reclaimed*, 228 SCIENCE 15 (1985); James D. Laird, *The Real Role of Facial Responses in Experience of Emotions: A reply to Tourangeau & Ellsworth and others*, 4 J. PERSONALITY & SOC. PSYCH. 909 (1984).

⁵⁸ See JAMES E. LOEHR, STRESS FOR SUCCESS 104-06 (1997) (describing his experience in workshops that no one can summon sadness while smiling).

⁵⁹ See SUZANNE SEGERSTROM, BREAKING MURPHY’S LAW 176-77 (2006) (describing large study).

⁶⁰ See DOC CHILDRE & HOWARD MARTIN, THE HEARTMATH SOLUTION 73-76 (2000) (describing freeze-frame exercise). The steps for the freeze-frame technique are in appendix B, *infra*.

⁶¹ See *id.* at 28-34 (describing neurological, biochemical, biophysical and energetic communication from heart to brain).

⁶² See DAVID D. BURNS, FEELING GOOD: THE NEW MOOD THERAPY 62-65(1980). A sample is provided in appendix C, *infra*.

⁶³ See *id.* at 42-43 (listing cognitive distortions). These distortions are defined in appendix D, *infra*.

inevitably overgeneralize.⁶⁴ With this in mind, we no longer confuse our interpretation with what is really going on in the world.

C. Optimizing Performance.

Physiology, in the form of habitual posture, provides ready access to the optimism that underlies sustained achievement. Assuming a “power pose,” an expansive, open posture (think Wonder Woman),⁶⁵ creates the hormonal profile associated with social power,⁶⁶ and improves performance in stressful situations.⁶⁷ Try expanding your posture now, even if you do not feel powerful.⁶⁸ If you notice a difference, consider incorporating expansive postures into your daily life.⁶⁹

Focus can also be used to sustain ongoing optimism. We often unwittingly focus on the negative. A prime example of such focus is the simple “to-do list.” Its negative effect can be illustrated by doing two visualizations. First, mentally review the items on your to-do list, all the things that need to be done: doing research, reading professional materials, writing memos and papers, attending meetings, reading mail, answering email, exercising, socializing, entertaining, buying groceries, cooking, commuting, making appointments, keeping appointments, monitoring finances, paying bills, maintaining your car, repairing your home, updating your computer, brushing your teeth, taking out the garbage, cleaning, all the events in your life. See each and every minutiae. Notice how feel. Raring to go?

Pause and try a second visualization. Now focus on your results. Think about the outcomes you are pursuing and why they are important: perhaps, a healthy body, a career that contributes to others, a loving family, a deep friendship, a supportive physical environment. Notice how you feel now.

Most find the contrast striking: problems depress; purpose energizes.⁷⁰ Creating inspiring purpose is the domain of meaning. We are most engaged when we strive for

⁶⁴ See *id.* at 79 (“[A] human life is an ongoing process. . . . You are not a thing; that’s why any label is constricting, highly inaccurate, and global. Abstract labels such as ‘worthless’ or ‘inferior’ communicate nothing and mean nothing.”) (emphasis deleted).

⁶⁵ For an illustration, see Helen Walters, *Fake It ‘til You Become It: Amy Cuddy’s Power Poses, Visualized*, TEDBLOG (Dec. 13, 2013, 12:00 PM), <http://www.blog.ted.com>.

⁶⁶ See Dana Carney et al., *Power Posing: Brief Nonverbal Display Affect Neuroendocrine Levels and Risk Tolerance*, 21 PSYCHOLOGICAL SCIENCE 1363 (2010) (power poses decreased cortisol and increased testosterone).

⁶⁷ See Amy Cuddy, Caroline Wilmuth & Dana Carney, *The Benefits of Power Posing Before a High-Stakes Social Evaluation* (Harv. Bus. Sch. Working Paper No.13-027, 2012) (adopting a power pose during preparation improves performance in an interview).

⁶⁸ See Amy Cuddy, *Act Powerful, Be Powerful*, CNN IDEAS SERIES (October 28, 2012, 10:49 AM), www.cnn.com.

⁶⁹ This might entail curtailing cell phone use. See Maarten W. Bos & Amy J.C. Cuddy, *iPosture: The Size of Electronic Consumer Devices Affects on Behavior*, (Harv. Bus. Sch. Working Paper No.13-097, 2013) (persons working on small devices, associated with constricted postures, act less assertively).

⁷⁰ See DANIEL GOLEMAN, FOCUS: THE HIDDEN DRIVER OF EXCELLENCE 172 (2013) (“Talking about your positive goals and dreams activates brain centers that open you to new possibilities. But if you change the conversation to what

something positive, personally important, and which involves growth, connection and contribution.⁷¹ This occurs when we commit to values, defined as chosen life directions. Values are deliberately chosen, not imposed from outside, and are life directions, not specific outcomes. They are always available, whatever the circumstance, and do not support the automatic thoughts that underlie negative moods (unless your value is always being right).⁷² Values also tend to involve others, not just ourselves. One exercise for articulating them is to imagine your funeral and then write the eulogy.⁷³

D. Handling Relationships.

The importance of physiology to relationships is evident in the unconscious subtle dance that underlies human communication. When people converse, their postures, gestures, expressions, pacing, and even breathing mirror one another.⁷⁴ Physical mimicry creates rapport,⁷⁵ and the end of mimicry signals the end of the conversation.⁷⁶ In class, I illustrate this by asking students to form pairs: one speaking, the other listening. I instruct the listener to physically attend to the speaker and then to gradually cease attending.⁷⁷ The speaker typically loses enthusiasm and struggles to get the words out.

Focus is also important in relationships. We must be able to put ourselves in another's shoes.⁷⁸ This involves understanding the other's perspective, appreciating it, and communicating back. Reflective listening, in which we paraphrase the message is a useful way of confirming understanding.⁷⁹ Finding merit in what the other person thinks, feels and does, shows appreciation.⁸⁰

At the level of meaning, we do more than simply appreciate the other's perspective. We modify our own in a way that provides a common ground. Adjusting your point of view is

you should do to fix yourself, it closes you down.”) (quoting Richard Boyatzis). Boyatzis' brain imaging study confirming this result has been submitted for publication. *Id.* at 294 n.14.

⁷¹ See BEN-SHAHAR, *HAPPIER* 71 (2007) (“People seeking greater well-being would be well advised to focus on the pursuit of (a) goals involving growth, connection and contribution rather than goals involving money, beauty, and popularity and (b) goals that are interesting and personally important to them rather than goals they feel forced or pressured to pursue.”) (quoting Kenneth Sheldon's summary of the research on goals and happiness).

⁷² See SPENCER C. HAYES & SPENCER SMITH, *GET OUT OF YOUR MIND AND INTO YOUR LIFE: THE NEW ACCEPTANCE AND COMMITMENT THERAPY* 153-163 (2005) (describing values).

⁷³ See *id.* at 166-170 (instructions for the attending your own funeral exercise).

⁷⁴ See *SOCIAL INTELLIGENCE*, *supra* note 18, at 31-33.

⁷⁵ See *id.* at 31 (“Social psychologists have found again and again that the more two people naturally make coupled moves – simultaneous, at a similar tempo, or otherwise coordinated – the greater their positive feelings.”).

⁷⁶ See *id.* at 32.

⁷⁷ See ROBERT BOLTON, *PEOPLE SKILLS*, 34-38 (1979) (physically attending a conversation involves a posture of involvement, appropriate body language, eye contact, and a nondistracting environment).

⁷⁸ See DOUGLAS STONE, BRUCE PATTON & SHEILA HEEN, *DIFFICULT CONVERSATIONS* 25-82 (1999) (suggesting that a person prepare for a difficult conversation by exploring the other's story and the contribution of both parties to the problem).

⁷⁹ See BOLTON, *supra* note 77, at 49-61 (Reflective listening entails reflecting content, feeling and meaning, and summarizing significant points).

⁸⁰ See ROGER FISHER & DANIEL SHAPIRO, *BEYOND REASON* 29-33 (2005).

critical to effective lawyering. In representation, a lawyer adopts the client's interest as her own. In negotiation, a lawyer seeks a broader perspective which encompasses both parties' concerns, creating a win-win resolution.⁸¹ An extended exercise in modifying perspectives is the reciprocity ring, in which participant makes a request that the rest of the group helps fulfill.⁸² From the individual's point of view, the ring exercise puts another's interest first. From the group's perspective, the ring is a win-win, making everyone better off.⁸³

Most of the work in handling relationships occurs outside the classroom. One in-class exercise that incorporates all three elements is "Just Like Me and Lovingkindness Meditation," in which students stand and face one each other. You can experience the exercise now by imagining a person in front of you.

Rest your mind on the breath. Silently recite the following sentences, pausing after each.

Just Like Me

This person has a body and a mind, just like me.
This person has feelings, emotions and thoughts, just like me.
This person has, at some point in his or her life, has been sad,
disappointed, angry, hurt or confused, just like me.
This person wishes to be free from pain and suffering, just like me.
This person wishes to be healthy and loved, and to have fulfilling
relationships, just like me.
This person wishes to be happy, just like me.

Loving Kindness

Now, let's allow some wishes to arise.
I wish for this person to have the strength, the resources, and the
emotional and social support to navigate the difficulties of life.
I wish for this person to be free from pain and suffering.
I wish for this person to be happy.
Because this person is a fellow human being, just like me.
Now I wish for everyone to be happy.⁸⁴

⁸¹ See ROGER FISCHER & WILLIAM URY, GETTING TO YES 5-7 (1983) (bargaining from fixed positions produces unwise agreements, creates inefficiency, and endangers an ongoing relationship).

⁸² See ADAM GRANT, GIVE AND TAKE 239-245(2013) (describing experience in leading a reciprocity ring in class).

⁸³ See *id.* at 240 (describing how a two and half hour ring session saved \$250,000 and fifty days on one occasion, and \$90,000 and sixty-seven days on another).

⁸⁴ CHADE-MENG TAN, SEARCH INSIDE YOURSELF 169-170 (2012).

There is no better statement of emotional intelligence.

Conclusion

The framework developed in this article is helpful in an academic setting. The three elements capture much of the research on emotion. They also provide a useful organizing principle for exercises that develop emotional intelligence.

The framework, however, is not simply of academic interest. It also provides guideposts for daily living, pointing to interventions that are most appropriate for the circumstances. The keys differ in immediacy, specificity and staying power. Daily life is a matter of skillfully shuttling back and forth between them.

Understanding the keys aids in deciding which interventions to use when. Return to Kathy, the young lawyer anticipating an oral argument. She may feel anxiety weeks before her court date. If the anxiety is overwhelming, she could engage physiology and focus through meditation or freeze frame. Once she finishes the exercise and rejoins the world, however, the anxiety will likely return unless she alters the meaning she attaches to the situation. She could dispute her automatic thoughts, such as “I always fail,” and commit herself to values such as serving others and furthering justice. The new meaning would alter her focus. She might appreciate the other side’s story and negotiate a mutually beneficial resolution more in keeping with her client’s interests.

If she proceeds to court, she could use physiology and focus to maintain her emotional balance. The morning of the argument, she could adopt a power pose and remember her larger outcome and purpose. During the argument, she could take some deep breaths and attend to the judges, rephrasing their questions if need be. Afterward, she could celebrate the good things that occurred during the day.

As an intuitive, accessible framework, the three keys make it easier to monitor and adjust our emotions. And, in doing so, they can help fulfill the potential that emotional intelligence holds for legal education – the development of skills that support life-long success and fulfillment.

APPENDIX A

RELAXATION RESPONSE DIRECTIONS

1. Sit quietly in a comfortable position.
2. Close your eyes.
3. Deeply relax all your muscles, beginning at your feet and progressing up to your face. Keep them relaxed.
4. Breathe through your nose. Become aware of your breathing. As you breathe out, say the word, "ONE," silently to yourself. For example, breathe IN . . .OUT, "ONE"; IN...OUT, "ONE" etc. Breathe easily and naturally.
5. Continue for 10 to 20 minutes. You may open your eyes to check the time, but do not use an alarm. When you finish, sit quietly for several minutes, at first with your eyes closed and later with your eyes opened. Do not stand up for a few minutes.
6. Do not worry about whether you are successful in achieving a deep level of relaxation. Maintain a passive attitude and permit relaxation to occur at its own pace. When distracting thoughts occur, try to ignore them by not dwelling upon them and return to repeating "ONE."

HERBERT BENSON. THE RELAXATION RESPONSE 162-163 (2000).

APPENDIX B

FREEZE-FRAME TECHNIQUE

Here are the five steps of the FREEZE-FRAME technique:

1. Recognize the stressful feeling and FREEZE-FRAME it. Take a time out!
2. Make a sincere effort to shift your focus away from the racing mind or disturbed emotions to the area around your heart. You can pretend that you're breathing through your heart to help focus your energy in the area. Keep your focus there for ten seconds or more.
3. Recall a positive, fun feeling or time you've had in life and attempt to re-experience it.
4. Now, using your intuition, common sense and sincerity – ask your heart, what would be a more efficient response to the situation, one that will minimize future stress?
5. Listen to what your heart says in answer to your question. It's an effective way to put your reactive mind and emotions in check – and an “in-house” source of common sense solutions!

DOC LEW CHILDRE & MARTIN HOWARD, THE HEARTMATH SOLUTION 74 (2002).

APPENDIX C
TRIPLE-COLUMN TECHNIQUE

Automatic Thought	Cognitive Distortion	Rational Response
1. I never do anything right.	1. Overgeneralization	1. Nonsense! I do a lot of things right.
2. I'm always late.	2. Overgeneralization	2. I'm not <i>always</i> late. That's ridiculous. Think of all the times I've been on time. If I'm late more often than I'd like, I'll work on this problem and develop a method for being more punctual.
3. Everyone will look down on me.	3. Mind reading Overgeneralization All-or-nothing thinking Fortune teller error	3. Someone may be disappointed that I'm late, but it's not the end of the world. Maybe the meeting won't even start on time.
4. This shows what a jerk I am.	4. Labeling	4. Come on, now, I'm not "a jerk."
5. I'll make a fool of myself.	5. Labeling Fortune teller error	5. Ditto, I'm not "a fool" either. I may appear foolish if I come in late, but this doesn't make me a fool. Everyone is late sometimes.

DAVID D. BURNS, FEELING GOOD: THE NEW MOOD THERAPY 63 (2008).

APPENDIX D

LIST OF COGNITIVE DISTORTIONS

1. **ALL-OR-NOTHING THINKING:** You see things in black-and-white categories. If your performance falls short of perfect, you see yourself as a total failure.
2. **OVERGENERALIZATION:** You see a single negative event as a never-ending pattern of defeat.
3. **MENTAL FILTER:** You pick out a single negative detail and dwell on it exclusively so that your vision of all reality becomes darkened, like the drop of ink that colors the entire beaker of water.
4. **DISQUALIFYING THE POSITIVE:** You reject positive experiences by insisting they “don’t count” for some reason or other. In this way you can maintain a negative belief that is contradicted by your everyday experiences.
5. **JUMPING TO CONCLUSIONS:** You make a negative interpretation, even though there are no definite facts that convincingly support your conclusion.
 - a. *Mind reading.* You arbitrarily conclude that someone is reacting negatively to you, and you don’t bother to check this out.
 - b. *The Fortune Teller Error.* You anticipate that things will turn out badly, and you feel convinced that your prediction is an already-established fact.
6. **MAGNIFICATION (CATASTROPHIZING) OR MINIMIZATION:** You exaggerate the importance of things (such as your goof-up or someone else’s achievement), or you inappropriately shrink things until they appear tiny (your own desirable qualities or the other fellow’s imperfections). This is also called the “binocular trick.”
7. **EMOTIONAL REASONING:** You assume that your negative emotions necessarily reflect the way things really are: “I feel it, therefore it must be true.”
8. **SHOULD STATEMENTS:** You try to motivate yourself with should and shouldn’ts, as if you had to be whipped and punished before you could be expected to do anything. “Musts” and “oughts” are also offenders. The emotional consequence is guilt. When you direct should statements toward others, you feel anger, frustration, and resentment.

9. **LABELING AND MISLABELING:** This is an extreme form of overgeneralization. Instead of describing your error, you attach a negative label to yourself: “I’m a *loser*.” When someone else’s behavior rubs you the wrong way, you attach a negative label to him: “He’s a goddam louse.” Mislabeling involves describing an event with language that is highly colored and emotionally loaded.
10. **PERSONALIZATION:** You see yourself as the cause of some negative external event which in fact you were not primarily responsible for.

DAVID D. BURNS, FEELING GOOD: THE NEW MOOD THERAPY 42-43 (2002)

LIVING LIFE FROM VALUES

WILLIAM S. BLATT*

Law students can view their lives as a continuous effort to avoid dire consequences: read to avoid embarrassment in class discussion; prepare outlines to avoid failing a test; apply for jobs to avoid unemployment. This focus is draining. Performance and well-being are better served by striving towards a positive vision of what we want, rather than reacting to future pain.ⁱ We are most engaged when we strive for something that is personally important, and which provides growth, connection and contribution.ⁱⁱ

This occurs when we live according to values, defined as *chosen life directions*. Values are deliberately *chosen*, not imposed from outside. They are *directions*, not specific outcomes, pointing us to what ultimately matters. Finally, they apply throughout our *life*. They are always available, whatever the circumstance.ⁱⁱⁱ Living life from values requires articulating those values and referring to them daily.

They are freely selected, not mandated by reason or morality. They apply throughout life, not limited to particular contexts. And they are always available, not confined to a particular outcome. Thus, values like love, learning, and contribution are freely selected, applicable to all situations, and are available whatever happens.

Write your epitaph

One exercise for articulating your values is to write the epitaph for your tomb stone. If helpful, you can prepare by imagining attending your funeral and hearing eulogies that you dread and yearn for.^{iv} At the end, you should have a concise statement that inspires you and others. Universal values are more inspirational than those limited to particular contexts.

Annotate your to-do list

An exercise for keeping values alive in your daily life is to put them in your to-do list. One format is to arrange your list in three columns: actions, outcomes, and purpose.^v The first column describes specific actions; the second, the positive outcome of the action; the third, reasons for the outcome, rooted in your values. See the sample below. This format clarifies actions, afford flexibility allows for alternative actions that achieve your goal, and requires that you take ownership for your life.

Action	Outcome	Purpose
6. Read assignment.	6. Speak knowledgeably in class.	10. Contribute to discussion.
7. Prepare Outline.	7. Ace the exam	11. Learn the material.
8. Submit job applications.	8. Schedule interviews.	12. Find opportunity to grow and contribute.
9. Call a friend.	9. Meaningful conversation.	13. Deepen friendship.

SAMPLE TO-DO LIST

ⁱ See DANIEL GOLEMAN, FOCUS: THE HIDDEN DRIVER OF EXCELLENCE 172 (2013) ("Talking about your positive goals and dreams activates brain centers that open you to new possibilities. But if you change the conversation to what you should do to fix yourself, it closes you down.") (quoting Richard Boyatzis). Goals by themselves improve performance, see Edwin A. Locke & Gary P. Latham, *Building a Practically Useful Theory of Goal Setting and Task Motivation*, 57 AM. PSYCHOLOGIST 705, 706 (2002)(finding that "specific, difficult goals consistently led to higher performance than urging people to do their best"), as does well-being, see Lawrence S. Krieger, with Kennon M Sheldon, *BWhat Makes Lawyers Happy? A Data-Driven Prescription to Redefine Professional Success*, 83A GEO. WASH. L. REV. 554, 662 (2015) (numerous studies show that "well-being promotes health, energy, optimism, creativity, altruism, and work performance").

ⁱⁱ See Kennon M. Sheldon, et. al., *The Independent Effects of Goal Contents and Motives on Well-Being: It's Both What You Pursue and Why You Pursue It*, 30 PERS. & SOC. PSYCH. BULL. 475, 485 (2004) (“People seeking greater well-being would be well advised to focus on the pursuit of (a) goals involving growth, connection and contribution rather than goals involving money, beauty, and popularity and (b) goals that are interesting and personally important to them rather than goals they feel forced or pressured to pursue.”). See also A. Wrzesniewski, et. al., *Jobs, Careers, and Callings: People's Relations to Their Work*, 31 J. Res. PERS. 21 (1997) (concluding that individuals who view their work as calling report higher work and life satisfaction generally than those who view work as a job or career). FROM FLOURISHING.

ⁱⁱⁱ See SPENCER C. HAYES & SPENCER SMITH, GET OUT OF YOUR MIND AND INTO YOUR LIFE: THE NEW ACCEPTANCE AND COMMITMENT THERAPY 153-163 (2005) (describing values).

^{iv} See *id.* at 166-170 (instructions for the attending your own funeral exercise).

^v See ANTHONY ROBBINS, THE TIME OF YOUR LIFE 87 (1998) (describing outcome-focused, purpose-driven, action plan).

TAKING RESPONSIBILITY

WILLIAM S. BLATT*

To be responsible is to be “liable to account as the primary cause, motive or agent.”^v Accordingly, responsibility is frightening. Accountability makes us vulnerable to moral judgment. Fearing such judgment, we instinctively deny responsibility by shifting blame. In doing so, we make ourselves victims of fate.

Notwithstanding our fear, taking responsibility is enlivening. We are most alive when we are most vulnerable. Owning our role as cause^v empowers us to take charge. Affirming our freedom to choose,^v we can now be the author of our life story. We become masters of our fate.

Taking responsibility is particularly challenging for lawyers, who are trained to deny liability. Developing this skill requires that we first recognize that we are blaming others and then affirmatively embrace our choice in the matter. We take responsibility through thought, word, and deed.^v

Responsibility for Thought

We can begin by taking responsibility for thought.^v One unconscious thought pattern^v shifting blame is the “racket,”^v a persistent complaint linked to a fixed way of being. For example, a law student may be stuck in the belief that “the job market is terrible.” To exercise choice over this thought, she must first uncover its payoffs and costs. In broad terms, the payoff is being right and the cost is being alive.^v The belief about the job market allows the student to avoid criticism from others while undermining health, vitality and life satisfaction. Once she appreciates these payoffs and costs, she can choose whether to give up the racket. The student will often find that the loss of life satisfaction outweighs avoidance of criticism.^v

Responsibility for Word

A second step is to take responsibility for word. A request to another often makes the implicit judgment that the other is responsible for our well-being. One way out is nonviolent communication,^v in which we withdraw judgment and take responsibility for our reactions. We describe the situation in neutral terms and our emotions and needs in a way that does not blame another.^v At that point, the request becomes a plea for help, not a veiled threat. Thus, a student working on a joint project might replace “You failed to do your fair share.” with “A section of the paper is missing. I am confused and need clarity. Can you explain what happened?”

Responsibility for Deed

A third step is to take responsibility for deed. This occurs most vividly when we deliberately assume guilt by apologizing to another. We disarm unilaterally, without expecting forgiveness or reciprocity. In a full apology, the speaker agrees that the incident occurred, expresses remorse, admits a wrongdoing, assumes responsibility, and makes a credible promise to correct the wrong in the future.^v The promise is only credible to the extent that the speaker previously took responsibility for the act. Apologizing is terrifying and exhilarating. It values the relationship above winning.

*Professor of Law, University of Miami School of Law.

^v MERRIAM-WEBSTER’S COLLEGIATE DICTIONARY, 998 (1993).

^v See STEPHEN R. COVEY, THE 7 HABITS OF HIGHLY EFFECTIVE PEOPLE, 71 (1989) (“Responsibility is the ability to choose our response”).

^v See NATHANIEL BRANDEN, TAKING RESPONSIBILITY, 39 (1996) (describing taking responsibility as a willingness “to generate the causes of the effects I want”).

^v See *id.*

^v One way to take responsibility for thought is through sentence completions. See NATHANIEL BRANDEN, THE SIX PILLARS OF SELF-ESTEEM, 113-15 (1995) (offering sentence completions to facilitate self-responsibility).

^v See generally ERIC BERNE, GAMES PEOPLE PLAY, 48-63 (1964) (describing unconscious verbal “games”).

^v See STEVE ZEFFRON & DAVID LOGAN, THE THREE LAWS OF PERFORMANCE, 45-47, 58, 62-63 (2009) (describing “rackets”).

^v In more particular terms, the payoffs include avoiding domination, justifying oneself, and dominating others, while the costs include health, vitality, satisfaction, self-expression. See *id.*

^v A racket can be understood as an instance of a more general tendency to project insecurities onto the environment. *See generally* PERLS, HERRERLINE & GOODMAN, *GESTALT THERAPY*, 253-54, 258-59 (1977) (describing projections). For a simple process for reclaiming projections, *SEE* KEN WILBER ET AL., *INTEGRAL LIFE PRACTICE*, 44-60 (2008).

^v *See* MARSHALL B. ROSENBERG, *NONVIOLENT COMMUNICATION* (2003).

^v Rosenberg identifies four steps: “Observing Without Evaluating,” *id.* at 25-35, “Identifying and Expressing Feelings,” *id.* at 37-48, “Taking Responsibility for Our Feelings,” *id.* at 49-66, “Requesting That Which Would Enrich Life,” *id.* at 67-89.

^v *See* AARON LAZARE, *ON APOLOGY*, 75, 107 (2005) (describing apology process); NICK SMITH, *I WAS WRONG: THE MEANINGS OF APOLOGIES* (describing elements of an apology) (quoting Kathleen Gill, citing Erving Goffman).

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