

# TEACHING EMOTIONAL INTELLIGENCE TO LAW STUDENTS: THREE KEYS TO MASTERY

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## INTRODUCTION

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 abilities<sup>1</sup> needed for passing the bar and performing an entry-level job, but neglects the managerial and relationship skills essential to advancing in the profession. Thus, it prepares students more for entry into the profession than for success thereafter. Leading lawyers, however, are not necessarily 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.<sup>2</sup> Such thinking leads to a pervasive pessimism that contributes<sup>3</sup> to the high levels of depression and drug abuse within the profession.<sup>4</sup> Law school also introduces students to the adversary system, a win-loss game, which if extended outside litigation has

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

<sup>2</sup> See MARTIN E.P. SELIGMAN, *AUTHENTIC HAPPINESS: USING THE NEW POSITIVE PSYCHOLOGY* 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.”).

<sup>3</sup> See *id.* at 177 (claiming that pessimism causes demoralization among lawyers).

<sup>4</sup> See SUSAN SWAIM DAICOFF, *LAWYER, KNOW THYSELF: A PSYCHOLOGICAL ANALYSIS OF PERSONALITY STRENGTHS AND WEAKNESSES* 8–13 (2004) (describing studies).

deleterious consequences for well-being<sup>5</sup> and relationships with clients, colleagues, and adversaries.<sup>6</sup>

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.<sup>7</sup> Emotional intelligence entails both identifying and managing emotions.<sup>8</sup> It encompasses such skills as reducing stress, cultivating self-awareness, improving mood, optimizing performance, and relating to others.<sup>9</sup>

For six years, I have taught a three-credit course, entitled Emotional Intelligence: Life Skills for Lawyers. 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).<sup>10</sup> These components comprise elements that identify an emotion and provide keys for managing it.

Take, for example, a young lawyer, whom I will call Katherine. Let’s say that she feels trepidation over an approaching oral argument. This emotion evokes 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

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<sup>5</sup> 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).

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

<sup>7</sup> See DANIEL GOLEMAN, EMOTIONAL INTELLIGENCE, at xv (10th anniv. ed. 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 research at 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 high leadership potential were far stronger in EI competencies than were their less-promising peers.”).

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

<sup>9</sup> For different lists of emotional intelligence skills, see DAVID R. CARUSO & PETER SALOVEY, THE EMOTIONALLY INTELLIGENT MANAGER 25–26 (2004) (offering an “emotional blueprint” consisting of identifying, using, understanding, and managing 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 (ESI)*, 18 PSICOTHEMA (SUPP. 1) 13, 23 app. (2006) (identifying various emotional intelligence competencies: self-awareness and self-expression, social awareness and interpersonal relationship, emotional management and regulation, change management, and self-motivation). For comparison of these approaches, see John D. Mayer et al., *Models of Emotional Intelligence*, in EMOTIONAL INTELLIGENCE: KEY READINGS ON THE MAYER AND SALOVEY MODEL 81, 88 (Peter Salovey et al. eds., 2004).

<sup>10</sup> See ANTHONY ROBBINS, AWAKEN THE GIANT WITHIN 155–63 (1991) (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); see also ANTHONY ROBBINS, GET THE EDGE, Day 1 (Robbins Research, Int’l 2000) (describing physiology, focus, and meaning as a “triad” for accessing emotions).

elements provide potential points for intervention. Katherine 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 employ them in four contexts: reducing stress, improving mood, 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.<sup>11</sup> All that is needed is a recognition that emotions can be understood in terms of either biology or cognition. Both perspectives are necessary.<sup>12</sup>

The scholarly literature reveals that physiology, focus, and meaning influence emotion 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 a central role. 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.”<sup>13</sup> James continued, “we feel sorry because we cry, angry because we strike [and] afraid because we tremble.”<sup>14</sup> His account exerts continuing influence.<sup>15</sup> Writing over a century later,

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<sup>11</sup> For a useful anthology, see *WHAT IS AN EMOTION?: CLASSIC AND CONTEMPORARY READINGS* (Robert C. Solomon, ed., 2d ed. 2003).

<sup>12</sup> See Robert C. Solomon, *Introduction* to *WHAT IS AN EMOTION?*, *supra* note 11, at 1, 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 Physiological Determinants of Emotional State*, 69 *PSYCHOL. REV.* 379, 398 (1962) (suggesting that “emotional states [are] a function of a state of physiological arousal and of a cognition appropriate to this state of arousal.”).

<sup>13</sup> See William James, *What Is an Emotion?*, 9 *MIND* 188, 189–90 (1884) (emphasis omitted), *reprinted in* *WHAT IS AN EMOTION?*, *supra* note 11, at 65, 67.

<sup>14</sup> *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 that 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 tremble, because we are sorry, angry, or fearful, as the case may be.”

<sup>15</sup> See Solomon, *supra* note 12 (alluding to “the still dominant Jamesian theory”). For an example of James’s continuing influence, see Schachter & Singer, *supra* note 12 (“Given the

Antonio Damasio updates James by detailing a feedback loop in which an object first triggers an emotion, which is only later mapped onto neural structures where the sense of self resides.<sup>16</sup>

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.<sup>17</sup> 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 automatically<sup>18</sup> but also strengthen the underlying emotion.<sup>19</sup>

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

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.<sup>24</sup> Nonetheless,

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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.”)

<sup>16</sup> 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).

<sup>17</sup> See GOLEMAN, *supra* note 7, at 17.

<sup>18</sup> See DANIEL GOLEMAN, *SOCIAL INTELLIGENCE: THE NEW SCIENCE OF HUMAN RELATIONSHIPS* 98 (2006) (microexpressions, which occur in less than a third of a second, are “spontaneous and made unconsciously”).

<sup>19</sup> See Robert W. Levinson et al., *Voluntary Facial Action Generates Emotion-Specific Autonomic Nervous System Activity*, 27 *PSYCHOPHYSIOLOGY* 363, 382 (1990) (concluding that voluntary facial activity produced significant levels of the subjective experience of the underlying emotion).

<sup>20</sup> See GOLEMAN, *supra* note 7, at 6–7 (describing processes associated with common emotions).

<sup>21</sup> See WALTER B. CANNON, *BODILY CHANGES IN PAIN, HUNGER, FEAR AND RAGE* 351–53 (Harper Torchbook 1963) (2d ed. 1929) (observing that the same visceral changes occur in very different emotional states).

<sup>22</sup> See Schachter & Singer, *supra* note 12 (“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 state 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.”).

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

<sup>24</sup> See PAUL EKMAN, *EMOTIONS REVEALED* 82–212 (2003) (describing facial expressions accompanying sadness, anger, fear, disgust, and happiness).

the picture is still very general. The biological account identifies fewer than ten basic emotions.<sup>25</sup>

*B. Focus: Greater Specificity*

Biological and cognitive perspectives both give weight to the external event giving rise to the emotion.<sup>26</sup> The event can be a present fact or a remembered experience.<sup>27</sup> In biological terms, the event is the stimulus triggering an emotional response.<sup>28</sup> In cognitive terms, the event is a provocation requiring an appraisal of its significance for personal goals.<sup>29</sup> 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 interview. The men seemingly attributed their rapid breathing and fast heartbeats to amorous feelings.<sup>30</sup>

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 uncomfortable situations include diverting attention, distancing ourselves, and outright denial. These strategies are often suboptimal. Avoidance merely postpones the emotion, prolonged distancing detaches us from our emotions and other people, and denial often delays effective problem solving.<sup>31</sup>

*C. Meaning: Lasting Effect*

Emotions run deeper 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 environ-

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<sup>25</sup> See, e.g., *id.* (listing five groups of emotions); GOLEMAN, *supra* note 7, at 289–90 (listing eight primary emotions).

<sup>26</sup> See John Dewey, *The Theory of Emotion*, 2 PSYCHOL. REV. 13, 17 (1895) (“[T]he full emotional experience . . . always has its ‘object’ or intellectual content.”), reprinted in WHAT IS AN EMOTION?, *supra* note 11, at 85, 93.

<sup>27</sup> 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).

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

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

<sup>30</sup> See Donald G. Dutton & Arthur P. Aron, *Some Evidence for Heightened Sexual Attraction Under Conditions of High Anxiety*, 30 J. PERSONALITY & SOC. PSYCHOL. 510 (1974).

<sup>31</sup> See LAZARUS & LAZARUS, *supra* note 27, at 159, 165–171.

ment.<sup>32</sup> Each emotion reflects a different appraisal, which consists of a simple narrative.<sup>33</sup> For example, anger involves “a demeaning offense against me or mine”;<sup>34</sup> sadness, an “[i]rrevocable loss”;<sup>35</sup> and happiness, “making reasonable progress toward the attainment of our goals.”<sup>36</sup> Cognition thus enriches our emotional life, adding nuance to the basic emotions.<sup>37</sup>

When available, reappraisal is a powerful, long-term coping strategy.<sup>38</sup> Changing the meaning of the situation minimizes the chance that a similar 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,<sup>39</sup> as do younger people.<sup>40</sup>

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

## II. USING THE KEYS TO DEVELOP EMOTIONAL INTELLIGENCE

The above account may not provide a complete theory of emotion, but it does offer 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 one 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 nega-

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<sup>32</sup> *Id.* at 144.

<sup>33</sup> *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.”).

<sup>34</sup> *Id.* at 20.

<sup>35</sup> *Id.* at 78.

<sup>36</sup> *Id.* at 90.

<sup>37</sup> *See id.* at 13–116 (drawing portraits of sixteen common emotions).

<sup>38</sup> *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 the antidepressant drugs, and they work better at preventing recurrence and relapse.”).

<sup>39</sup> *See* Patricia A. Boyle et al., *Purpose in Life Is Associated with Mortality Among Community-Dwelling Older Persons*, 71 *PSYCHOSOMATIC MED.* 574 (2009) (finding a belief in a greater purpose associated with lower mortality risk).

<sup>40</sup> *See* Patrick L. Hill & Nicholas A. Turiano, *Purpose in Life as a Predictor of Mortality Across Adulthood*, 25 *PSYCHOL. SCI.* 1482 (2014) (“[H]aving a purpose in life appears to widely buffer against mortality risk across the adult years.”).

tive<sup>41</sup> emotions like anger, fear, and sadness. Then, after addressing negative emotions, we can tackle improving performance, which often depends upon cultivating optimism,<sup>42</sup> a mental state that 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 developing each of the four skills.<sup>43</sup> 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.<sup>44</sup> This involves slow, deep breathing from the belly (instead of the chest), taking longer to exhale than to inhale.<sup>45</sup> Take a few deep breaths now and feel the difference. This simple practice is quite popular among my students.

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

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<sup>41</sup> 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).

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

<sup>43</sup> Although each exercise inevitably implicates all three components, one component often dominates.

<sup>44</sup> See, e.g., Daniele Martarelli et al., *Diaphragmatic Breathing Reduces Exercise-Induced Oxidative Stress*, 2011 EVIDENCE-BASED COMPLEMENTARY & ALTERNATIVE MED. art. 932430.

<sup>45</sup> 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).

<sup>46</sup> 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.”).

<sup>47</sup> HERBERT BENSON, THE RELAXATION RESPONSE 19 (1975).

<sup>48</sup> Instructions for this basic relaxation response are in Supplement Appendix A, at <http://scholars.law.unlv.edu/nlj/vol15/iss2/4/>. 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 30 (1987) (providing insight meditation instructions).

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

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. Stress stimulates growth.<sup>50</sup> What we must do is replace anxiety with excitement. This entails reappraising the stressor as a challenge instead of a threat.<sup>51</sup> Specific strategies include reminding ourselves that we are capable of handling the situation<sup>52</sup> and treating stress management itself as a challenge.

### B. Improving Mood

Physiology is a surprisingly strong antidote for negative moods. Exercise has a huge impact,<sup>53</sup> even in small intense doses.<sup>54</sup> In class, I illustrate this by asking students to jump up and down, an activity that invariably elicits spontaneous laughter.<sup>55</sup> Assuming a smile also improves mood,<sup>56</sup> and forced laughter seems more effective than mere exercise.<sup>57</sup> You can test this now. Take a moment, smile, and then try to be sad.<sup>58</sup>

Focusing strategies can also be used to improve mood. Writing practices, such as recording three good things that happen each day or keeping a gratitude journal increase happiness.<sup>59</sup> More powerful yet may be practices that also engage physiology. An example is the “freeze-frame,” which involves stepping back from life, shifting attention away from our racing minds and towards our

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

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

<sup>52</sup> 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.’”).

<sup>53</sup> 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 a feeling of increased energy.”).

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

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

<sup>56</sup> See James D. Laird, *The Real Role of Facial Response in the Experience of Emotion: A Reply to Tourangeau and Ellsworth, and Others*, 47 J. PERSONALITY & SOC. PSYCHOL. 909, 914 (1984); R.B. Zajonc, *Emotion and Facial Efference: A Theory Reclaimed*, 228 SCIENCE 15, 17 (1985).

<sup>57</sup> See Mahvash Shahidi et al., *Laughter Yoga Versus Group Exercise Program in Elderly Depressed Women: A Randomized Controlled Trial*, 26 INT’L J. GERIATRIC PSYCHIATRY 322, 325 (2011) (“[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.”).

<sup>58</sup> See LOEHR, *supra* note 45, at 104–06 (describing his experience in workshops that no one can summon sadness while smiling).

<sup>59</sup> See SUZANNE C. SEGERSTROM, *BREAKING MURPHY’S LAW* 176–77 (2006) (describing a large study).



beating hearts, and re-experiencing a positive event from our lives. We then ask the heart for a more efficient response to the situation and listen for an answer.<sup>60</sup> This technique draws upon research demonstrating that the heart influences the brain through neurons, hormones, pulses, and perhaps electromagnetic energy.<sup>61</sup>

By asking for a heart response, the freeze-frame technique invites alternative meanings. A more direct approach for changing meaning and mood is cognitive therapy, which 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.<sup>62</sup> 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 and fortune teller error), magnification or minimization, emotional reasoning, should statements, labeling and mislabeling, and personalization.<sup>63</sup> Just reading this list invites a healthy skepticism about our pessimistic beliefs. None of our thoughts are unequivocally true; they inevitably overgeneralize.<sup>64</sup> With this in mind, we no longer confuse our interpretation with what is really going on in the world.

### C. *Optimizing Performance*

Physiology provides ready access to the optimism that underlies sustained achievement. Assuming a “power pose,” an expansive, open posture (think

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<sup>60</sup> See DOC CHILDRÉ ET AL., *THE HEARTMATH® SOLUTION* 73–76 (paperback ed. 2000) (describing freeze-frame exercise). The steps for the freeze-frame technique are reproduced in Supplement Appendix B, at <http://scholars.law.unlv.edu/nlj/vol15/iss2/4/>.

<sup>61</sup> See *id.* at 28–34 (describing neurological, biochemical, biophysical and energetic communication from heart to brain).

<sup>62</sup> See DAVID D. BURNS, *FEELING GOOD: THE NEW MOOD THERAPY* 62–65 (HarperCollins 1999) (1980). A sample of the triple-column technique is reproduced in Supplement Appendix C, at <http://scholars.law.unlv.edu/nlj/vol15/iss2/4/>. For a comprehensive description of strategies for altering meaning, see L. MICHAEL HALL & BOBBY G. BODENHAMER, *MIND-LINES* (5th ed. 2002).

<sup>63</sup> See BURNS, *supra* note 62, at 42–43 (listing cognitive distortions). Burns’s definition of these distortions is reproduced in Supplement Appendix D, at <http://scholars.law.unlv.edu/nlj/vol15/iss2/4/>.

<sup>64</sup> See BURNS, *supra* note 62, 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 omitted).

Wonder Woman),<sup>65</sup> creates the hormonal profile associated with social power,<sup>66</sup> and improves performance in stressful situations.<sup>67</sup> Try expanding your posture now, even if you do not feel powerful.<sup>68</sup> If you notice a difference, consider incorporating power poses into your daily life.<sup>69</sup>

Focus can also be used to sustain ongoing optimism. We often unwittingly focus on the negative. This often occurs in reviewing a simple “to-do list.” The dampening effect can be illustrated with 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, cleaning, commuting, making appointments, keeping appointments, monitoring finances, paying bills, maintaining the car, repairing your home, updating the computer, brushing your teeth, taking out the garbage, all the tasks in your life. See each and every minutia. Notice how you 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.<sup>70</sup> Creating inspiring purpose is the domain of meaning. We are most engaged when we strive for something positive, personally important, and which involves growth, connection, and contribution.<sup>71</sup> This occurs when we commit to

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<sup>65</sup> 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://blog.ted.com/2013/12/13/fake-it-til-you-become-it-amy-cuddys-power-poses-visualized/>.

<sup>66</sup> See Dana R. Carney et al., *Power Posing: Brief Nonverbal Displays Affect Neuroendocrine Levels and Risk Tolerance*, 21 PSYCHOL. SCI. 1363 (2010) (power poses decreased cortisol and increased testosterone).

<sup>67</sup> See Amy J.C. Cuddy et al., *The Benefit of Power Posing Before a High-Stakes Social Evaluation* 8 (Harvard Bus. Sch., Working Paper No. 13-027, 2012), available at <http://nrs.harvard.edu/urn-3:HUL.InstRepos:9547823> (finding that holding a power pose while preparing for an interview improves ultimate performance).

<sup>68</sup> See Amy Cuddy, *Act Powerful, Be Powerful*, CNN (Oct. 28, 2012), <http://www.cnn.com/2012/10/28/opinion/cuddy-power-posing/>.

<sup>69</sup> This might entail curtailing cell phone use. See Maarten W. Bos & Amy J.C. Cuddy, *iPosture: The Size of Electronic Consumer Devices Affects Our Behavior* 6 (Harv. Bus. Sch. Working Paper No.13-097, 2013), available at <http://www.hbs.edu/faculty/Pages/download.aspx?name=13-097.pdf> (observing that persons working on small devices, associated with constricted postures, act less assertively).

<sup>70</sup> See DANIEL GOLEMAN, FOCUS: THE HIDDEN DRIVER OF EXCELLENCE 172 (2013) (“Talking about your positive goals and dreams activates brain centers that open you up to new possibilities. But if you change the conversation to what you should do to fix yourself, it closes you down.”) (quoting Richard Boyatzis); see also Anthony I. Jack et al., *Visioning in the Brain: An fMRI Study of Inspirational Coaching and Mentoring*, 8 SOC. NEUROSCIENCE 369 (2013) (confirming this result).

<sup>71</sup> See TAL 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 contribu-

values, defined as chosen life directions. Values are deliberately chosen, not imposed from outside, and are directions, not specific outcomes. They are always available, whatever the circumstance, and they do not support the automatic thoughts that underlie negative moods (unless your value is always being right).<sup>72</sup> Values also tend to involve others, not just ourselves. One exercise for articulating them is to imagine your funeral and then write the eulogy.<sup>73</sup>

#### D. Handling Relationships

The importance of physiology to relationships is evident in the unconscious subtle dance that underlies human communication. When people talk, their postures, gestures, expressions, pacing, and even breathing mirror one another.<sup>74</sup> Physical mimicry creates rapport,<sup>75</sup> and the end of mimicry signals the end of the conversation.<sup>76</sup> 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.<sup>77</sup> The speaker typically loses enthusiasm and struggles to get words out.

Focus is also important in relationships. We must be able to put ourselves in another's shoes.<sup>78</sup> 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.<sup>79</sup> Finding merit in what the other person thinks, feels, and does shows appreciation.<sup>80</sup>

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 one's point of view is critical to effective lawyering. In representation, a lawyer adopts the client's interest as her own. In negotiation, a lawyer seeks a

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tion 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 M. Sheldon et al., *The Independent Effects of Goal Contents and Motives on Well-Being*, 30 PERSONALITY & SOC. PSYCHOL. BULL. 475, 485 (2004)).

<sup>72</sup> See STEVEN C. HAYES WITH SPENCER SMITH, GET OUT OF YOUR MIND & INTO YOUR LIFE: THE NEW ACCEPTANCE & COMMITMENT THERAPY 153–63 (2005) (describing values).

<sup>73</sup> See *id.* at 166–70 (instructions for the "attending your own funeral" exercise).

<sup>74</sup> See GOLEMAN, *supra* note 18, at 31–33.

<sup>75</sup> 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.").

<sup>76</sup> See *id.* at 32.

<sup>77</sup> 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).

<sup>78</sup> See DOUGLAS STONE ET AL., 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).

<sup>79</sup> See BOLTON, *supra* note 77, at 49–61 (describing how reflective listening entails reflecting content, feeling and meaning, and summarizing significant points).

<sup>80</sup> See ROGER FISHER & DANIEL SHAPIRO, BEYOND REASON 25–52 (2005).

broader perspective that encompasses both parties' concerns, creating a win-win resolution.<sup>81</sup> An extended exercise in modifying perspectives is the reciprocity ring, in which a participant makes a request that the rest of the group helps fulfill.<sup>82</sup> 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.<sup>83</sup>

Most of the work in handling relationships occurs outside the classroom. One in-class exercise that incorporates all three elements is the "Just Like Me and Loving Kindness Meditation," in which students stand and face one another. 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, been sad, disappointed, angry, hurt, or confused, just like me.

This person has, in his or her life, experienced physical and emotional pain and suffering, 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*

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 everybody I know to be happy.<sup>84</sup>

There is no better description of emotional intelligence.

## CONCLUSION

The framework developed in this article is helpful in teaching emotional intelligence. The three keys capture much of the research on emotion. They also organize exercises that develop life skills.

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<sup>81</sup> See ROGER FISHER ET AL., *GETTING TO YES 5–7* (2d ed. 1991) (explaining how bargaining from fixed positions produces unwise agreements, creates inefficiency, and endangers an ongoing relationship).

<sup>82</sup> See ADAM GRANT, *GIVE AND TAKE 239–45* (2013) (describing experience in leading a reciprocity ring in class).

<sup>83</sup> Professor Grant has observed that the ring exercise saves money and time. 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).

<sup>84</sup> CHADE-MENG TAN, *SEARCH INSIDE YOURSELF 169–70* (2012).

The framework, however, is perhaps most useful outside the classroom. It provides guideposts for daily living, pointing to interventions most appropriate for the circumstances. The keys differ in immediacy, specificity, and staying power. Emotional intelligence entails skillfully shuttling back and forth between them.

Remembering the keys aids in deciding which interventions to use when. Return to Katherine, 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 such exercises and rejoins the world, however, the anxiety will likely return unless she alters the meaning she attaches to the situation. She could then 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 promise that the study of emotional intelligence holds for legal education—the development of skills that support life-long success and fulfillment.