

2 THE SPECTRUM FROM LANGUISHING TO FLOURISHING

Industry cannot flourish if labor languish.

—Calvin Coolidge¹

Although some lawyers are impaired by mental illnesses such as anxiety, depression, and substance abuse, many more may be suffering from a state of incomplete mental health known as languishing.

Mental health is described by the World Health Organization (WHO) as “a state of mental well-being that enables people to cope with the stresses of life, realize their abilities, learn well and work well, and contribute to their community. It is an integral component of health and well-being that underpins our individual and collective abilities to make decisions, build relationships and shape the world we live in.”²

Mental health is assessed on a continuum, ranging from languishing to flourishing. Languishing has been described as feeling uninspired, joyless, and lacking the power to function at full capacity. And languishing may increase your risk of mental illness, such as a major depressive episode, generalized anxiety, panic attacks, or substance use disorder.³

THE SUMMARY

Research indicates that a segment of the lawyer population is impaired by mental illness, such as anxiety, depression, substance misuse, or suicide risk. A much higher number of lawyers likely fall on the languishing end of the mental health spectrum. If you are languishing, you may be at a higher risk of sliding into impairment. Research on languishing may help you assess your well-being and consider interventions designed to improve it.

THE SCIENCE

The spectrum of languishing to flourishing was first described by social psychologist Corey L. M. Keyes, a professor at Emory University.⁴ Professor Keyes found in a 1995 survey of 3,032 adults, aged 25–74 years, that 17.2% were flourishing; 56.6% were moderately mentally healthy; 12.1% were languishing; and 14.1% had suffered a major depressive episode in the prior twelve months.

Keyes described flourishing as the presence of mental health, and languishing as the absence of mental health. For Keyes, being mentally healthy requires three components:

- Emotional well-being – the presence of positive emotion, such as enthusiasm and joy, and the absence of negative mood, such as sadness or distress;
- Psychological well-being – a perception of strong life satisfaction; and
- Social well-being – the capacity for positive functioning in life.

Positive functioning incorporates:

- Psychological well-being – the capacity for strong satisfaction with life – which comes from a combination of self-acceptance, positive relationships, personal development, purpose, environmental mastery, and autonomy; and
- Social well-being, which is:
 - Social coherence – viewing society as meaningful and understandable,
 - Social actualization – believing society offers the potential for growth,
 - Social integration – being accepted by and belonging to the community,
 - Social acceptance – accepting most aspects of society, and
 - Social contribution – feeling confident in the capacity to contribute to society.

Professor Keyes stated that another way to think about the continuum is that to be flourishing is to enjoy complete mental health, and to be languishing is to be burdened with incomplete mental health.

To experience flourishing, an individual is “filled with positive emotion” and “functioning well psychologically and socially.” To be languishing is to live life in quiet despair, feeling empty, hollow, or stagnant. Mental illness leads to negative moods; anhedonia, which is the inability to derive pleasure from life; and malfunctioning.

Lawyers may suffer from several obstacles to mental strength, including a lack of self-awareness, perfectionism, imposter syndrome, social comparisons, trained pessimism, the inability to regulate emotions, and inauthenticity from a failure to understand or leverage their temperament and personality strengths. Features of the lawyering culture may augment these obstacles, leading to lawyer languishing.

SELF-AWARENESS

In his book *Soft Skills for the Effective Lawyer*, attorney and researcher Randall Kiser devotes an entire chapter to the duty of lawyers to become self-aware by committing to “detached self-assessment and self-improvement.”⁵ In order to adequately assess legal skills and mental strength, lawyers must be able to evaluate honestly what they know and don’t know, and what impediments hinder their performance and self-development. Kiser quotes Professor K. Anders Ericsson: “The journey to truly superior performance is neither for the faint of heart nor the impatient. The development of genuine expertise requires struggle, sacrifice, and honest, often painful self-assessment.”⁶

Self-discerning lawyers must assess and develop their skills throughout their careers. Common obstacles to mental strength include perfectionism, imposter syndrome, social comparisons, trained pessimism, and failure to leverage emotion regulation, temperament and personality strengths, and energy sources.

PERFECTIONISM

Perfectionists hold themselves to idealistic standards, or they attempt to meet the unreasonable expectations of others. Factors that can contribute to perfectionism include receiving early praise for high grades or strong athletic performance, rather than for the effort

exerted; a need to feel accepted in an important group; overemphasis on external rewards such as money and popularity; or childhood trauma where stellar performance helped to curtail abuse.

The risks of perfectionism include mental health issues, physical health problems, early death, and suicide. Other drawbacks for perfectionists are self-defeating behaviors such as procrastination and avoiding activities where they might fail. A 2017 study of college students revealed that perfectionists were less engaged, suffered from weaker self-regulation, and were less accomplished than other students.⁷

In her book *Dare to Lead*, Brene Brown states that perfectionism is not the key to success. Research shows it is correlated with missed opportunities, anxiety, depression, and addiction. The fear of making mistakes, being criticized, and not meeting people's expectations impairs achievement. She argues that perfectionism is self-destructive because perfection is an unattainable goal that does not exist.⁸

IMPOSTER SYNDROME

People with imposter syndrome suffer from self-doubt. They feel unworthy of a grade, promotion, or position because they distrust their competence or expertise. They lack confidence and may attribute success to luck, rather than to hard work and experience.

Self-doubt saps the mental strength that is necessary to meet goals. It can lead to negative thoughts, low self-esteem, and adverse behavior, which can cause mistakes and result in a self-fulfilling prophecy. Thoughts and emotions influence each other, and worrying can trigger fear, anxiety, and depression.⁹

SOCIAL COMPARISONS

Competitive work or learning environments can increase social comparisons. Social media fuels social comparisons by making transparent the most positive aspects of others' lives, for example, their most successful cooking endeavor, their splashiest party, and their most

sumptuous vacation. These highly curated windows into the experiences of others can make it seem like everyone else can have it all and that most people are highly successful in their pursuit of the good life.

Upward social comparison is when you focus on people who appear to be superior, happier, healthier, or wealthier than you. It can damage self-worth and promote jealousy and depression. Downward social comparison is focused on those who are less fortunate than you are. It might improve short-term self-esteem, but ultimately causes sympathy and concern.¹⁰

TRAINED PESSIMISM

Lawyers are trained for pessimism. This training begins with issue spotting in law school and continues in practice when lawyers identify and worry about all the potential problems that might befall a client. They utilize worst-case scenarios and critical thinking to identify and solve problems for clients. The practice of pessimistic thinking likely contributes to the success of lawyers, but it can seep into a lawyer's personal life and contribute to anxiety, depression, or languishing.¹¹

EMOTION REGULATION

Research in psychology demonstrates that emotions help professionals focus, make decisions, enhance memory, provide vital social cues, and embrace change.¹² Emotions indicate the presence of a threat or a reward. It is important to understand emotions and how to leverage them.¹³

In *Soft Skills for the Effective Lawyer*, Randall Kiser discusses the tendency of lawyers to ignore or suppress emotions, which he describes as emotional numbing. Legal education stresses that analytical thinking requires the absence of emotion, but research indicates that strong performers are aware of their emotions, and they leverage them to facilitate authentic and empathic relationships.

When lawyers are unaware of or suppress their emotions, they lack emotion regulation skills and may experience intensified negative

feelings. They are also less able to experience positive emotions. The result is a lawyer who feels inauthentic and alienated, incapable of building trust with colleagues and clients, while also suffering from weakened personal relationships with family and friends.¹⁴

One reason why lawyers might suppress emotion is because their brains develop to sharply focus on dealing with threats to ensure survival. For lawyers, threat evaluation is a major part of representing clients. Negativity bias is protective because it helps us determine whether something is wrong. Fear and anxiety make us vigilant. Disgust, anger, and pain help us avoid or escape danger. “We are not meant to be happy, or even content. Instead, we are designed simply to survive and reproduce, like every other creature in the natural world. In fact a state of contentment is positively discouraged by Nature because it would lower our guard against possible threats to our survival.”¹⁵

Rewards such as food, shelter, safety, and the presence of a partner or tribe yield pleasure and positive emotions, but these are more fleeting than negative emotions. The result is a state of continuous dissatisfaction and reward-seeking.¹⁶

Emotion regulation involves initiating or inhibiting actions, or modifying responses, triggered by emotions. The way we interpret emotions impacts our thinking, decision-making, and the actions we take. A well-regulated lawyer will take time to assess outcomes. A negative emotional trigger sets the fight-or-flight response in motion. Emotion regulation modifications provide some time between trigger and response.¹⁷

Emotion regulation strategies help us objectively assess a situation, stay calm under pressure, and respond in a way that is aligned with our core values. We apply self-control to create a pause between feelings and reactions to enable a measured response.¹⁸

Emotions are experienced as feelings – the conscious perceptions of the involuntary responses of the body to emotional triggers. The first emotion regulation tactic is emotion literacy. This is the practice of noticing and naming your emotions. The six primary emotions are sadness, fear, anger, disgust, surprise, and joy. However, there are many nuances of human emotion, and a tool such as Plutchik’s Wheel of Emotion can help lawyers recognize emotion intensity. For example, grief is more intense than sadness, but pensiveness is less so.

Naming your emotions can help you identify triggers and process your emotions more effectively.¹⁹

Another proactive approach is to dedicate time for self-compassion each day to enhance emotion regulation skills. Practices such as gratitude, mindfulness, meditation, and relaxation enhance the capacity to take a pause after experiencing an emotional trigger, thereby promoting optimism. These calming practices help slow down our automatic reactions, allowing for intentional responses.²⁰

ENERGY AND THE INTROVERT–EXTROVERT SPECTRUM

A major aspect of lawyer self-awareness is to appreciate where you fall on the introvert–extrovert spectrum of temperament.

In her seminal book on introverts, *Quiet*, author and former lawyer Susan Cain argues that while society values extroverts – folks who are social, verbal, appealing, and action-oriented – some 30–50 percent of us are introverts. Cain describes the Extrovert Ideal – an oppressive standard of desirable extroverted behaviors, such as self-confidence and conviviality, that is often demanded of introverts who are sensitive, thoughtful, cerebral, and innovative.²¹

Cain points out that the Extrovert Ideal and bias against introverts causes them considerable psychological distress. Yet contributions from introverts are invaluable. She lists the following accomplished introverts: Warren Buffett, Frederic Chopin, Albert Einstein, Mahatma Gandhi, Sir Isaac Newton, Rosa Parks, Eleanor Roosevelt, J. K. Rowling, Steven Spielberg, Dr. Seuss, and Vincent van Gogh.²²

Carl Jung coined the terms introvert and extrovert and described these temperament types in terms of the stimulation they derive from the inner or outer world. Introverts are energized by the inner world of ideas and emotions. They thrive while reading, researching, thinking, and writing. Extroverts are energized by the outside world of people and experiences. They flourish during activity and action.²³

Introverts and extroverts differ when it comes to the amount of outside stimulation they require to function well. Extroverts need a great deal of arousal, generally from interaction with other people. Introverts need to limit their exposure to others. Extroverts recharge with social interaction, while introverts are depleted by it.

Extroverts are assertive, prefer talking and thinking on their feet, and crave the company of others. At work, they are comfortable with multitasking, risk-taking, conflict, and quick decision-making. They can make rash decisions or blurt out things they might not intend to. They are often motivated by external rewards such as money and status.

Introverts are adept listeners and prefer to think before they talk and express themselves well in writing. They practice solo-tasking and tend to work slowly and deliberately. They dislike small talk and conflict. They prefer the company of close family, friends, and colleagues. They thrive on deep discussions with their small circle of select people. They are recharged by solitude and are not usually motivated by external rewards.²⁴

Introversion and extroversion are aspects of temperament we are born with, although people are also shaped by their experiences. People can learn, stretch, and grow over time, and no one is purely an introvert or extrovert. We all exhibit, and can excel at, both introverted and extroverted skills. You are more of an extrovert if you are most interested in the external world, become energized by socializing, and feel depleted after too much time alone. You are more of an introvert if you are most interested in ideas, become energized by solitude, and feel depleted after socializing, even if you find it enjoyable.²⁵

Extroverts and introverts differ in the way their nervous systems respond to stimulation. The nervous system is made up of the senses, which receive information, and the brain, nerves, and spinal cord, which process information and initiate responses. There is more dopamine in the brains of extroverts than those of introverts. Dopamine is a neurotransmitter that motivates us, especially extroverts, to seek external rewards such as money, promotions, and high-profile projects. Acetylcholine is a transmitter that is more active in the brains of introverts. It motivates them to seek internal rewards such as ideas, insights, meaningful conversations, and purposeful work projects. All these neurotransmitters drive decisions by extroverts and introverts toward the rewards they find most satisfying.

The information-processing pathway differs between extroverts and introverts. The extrovert's pathway is short, straightforward, relies on short-term memory, and is externally focused. The introvert's

pathway is longer, more complex, involves long-term memory, and is internally focused. Introverts are deep thinkers who take longer to respond due to their brain's longer processing pathway.²⁶

Leveraging your energy style allows you to feel authentic, function well, and optimize productivity. When you identify your temperament style, you are aware of what energizes you and what depletes you. You can create the conditions for optimal flow, and you can advocate for support.

To determine your introverted or extroverted temperament, consider logging your activities for a few days. *What activities energize or invigorate you? What activities deplete or drain you?*

To support the most effective work environment, introverts need solitary spaces, time when they can work uninterrupted, and the capacity to communicate in writing and after reflection. Extroverts need to interact with others, communicate in person, and cultivate a brainstorming partner.²⁷

Shyness is not the same as introversion. Shyness is extreme self-consciousness and fear of judgment, embarrassment, or rejection. Rather than resisting social interaction due to a need to recharge, shy people are concerned about being assessed by others as odd, unattractive, unintelligent, or unlikeable. They feel evaluated, critiqued, and shamed by others. Shyness is painful and can ignite the fight-or-flight stress response.²⁸

Social anxiety is a disabling type of shyness. It is excessive concern about embarrassing or humiliating oneself.²⁹ Up to 13 percent of Americans suffer from social anxiety, and they may experience severe anxiety or panic attacks in anticipation of social situations.³⁰

Some people are both introverts and shy or socially anxious. One model maps the introvert–extrovert spectrum on the horizontal axis and the anxious–calm spectrum on the vertical axis. This reveals four personality types: calm extroverts, anxious or impulsive extroverts, calm introverts, and anxious introverts.³¹

In her book about introverted lawyers and law students, *The Introverted Lawyer*, Professor Heidi K. Brown discusses how the widely deployed Socratic method of discussing cases in law classes can create a judgmental and competitive classroom culture that can shame or humiliate introverted, shy, or socially anxious law students. As a result,

professors and other students might assume these quieter law students are unprepared or less intelligent than their extroverted peers. Introverted students are likely to be more prepared than extroverted students; they simply cannot demonstrate their knowledge at a rapid-fire pace.³²

In legal practice, a bold and aggressive extrovert who is adept at self-promotion may be rewarded more frequently than a quiet dogged introvert who plumbs the precedent and crafts the most effective argument. Both kinds of strengths are needed to successfully represent clients; thus, strategies to recognize and value the assets introverts bring to the table should become a priority for legal organizations.³³

Introverts are capable of giving exceptional extroverted performances for work that is especially meaningful and important to them, for their loved ones, or for anything they highly value. And extroverts can leverage strengths associated with introverts. The Free Trait Theory states that although we are born with a certain temperament, we can perform out of character in the service of core personal projects. The Free Trait Theory explains why introverts can shine in occupations that value the Extrovert Ideal.³⁴

To help you understand how the Free Trait Theory impacts you:

- Determine where you fall on the introvert–extrovert spectrum. *What energizes you? What depletes you?*
- Use Susan Cain’s method to recognize your core personal projects:
 - a. *What work do you gravitate to?*
 - b. *What do you envy about others?* This may reveal what you desire.
 - c. *What did you love as a child?* You might have been more self-aware at the time.
- Ask yourself: *Do I act out of character in the service of a core personal project? What free trait skills do I deploy in the service of core personal projects?*³⁵

PERSONALITIES AND STRENGTHS ARE SHAPED BY TRANSMITTERS AND HORMONES

In addition to our introvert or extrovert temperaments, our personalities also differ by how active certain transmitters and hormones are in our brains.

In her book *The Brain-Friendly Workplace*, neuroscientist Friederike Fabritius explains the work of Helen Fisher, PhD, who discovered four neurosignatures based on the actions of the neurotransmitters dopamine and serotonin and the hormones estrogen and testosterone. When Dr. Fisher compared the results of personality assessments with activity in these brain systems, she found that MRI results linked high activity in each of the dopamine, serotonin, estrogen, and testosterone systems to a particular group of personality traits. Therefore, Dr. Fisher's personality tests have been validated by neuroscience.

Everyone has all four brain systems; so our personalities reflect a combination of these chemicals and a spectrum of behaviors. It can be helpful to consider how active dopamine, serotonin, estrogen, and testosterone are in individual lawyers' brains.

People with a high-dopamine neurosignature are optimistic, curious, creative, and future-oriented. They cope well with change, love to explore, and travel easily. They often bring humor, fun, and inspiration to their work. They can be impulsive and easily bored. They thrive with autonomy, creative freedom, and interesting projects.

People with a high-serotonin neurosignature are reliable, loyal, detail-oriented, and careful. They respect authority, follow the rules, and seek stability. They prefer orderly and consistent environments. They can become incapacitated with worry, anxiety, and rumination over what others think of them. They thrive with regular routines, security, and a dependable system of steady increases in responsibilities and promotions.

People with high estrogen levels are empathetic, intuitive, and value cooperation and inclusion. They excel at lateral thinking, which involves considering problems from multiple perspectives, making innovative connections, and assessing long-term consequences of decisions. Money and status are less important than the purpose and impact of their work. They are diplomatic, insightful, and have strong verbal and writing skills. They prioritize making connections and building community. They seek a healthy work-life balance. While we may assume that all high-estrogen people are female, research shows only 72% of women, but also 28% of men, have high-estrogen neurosignatures.

Under stress, people with high-estrogen neurosignatures can worry and succumb to self-criticism. They can become indecisive or

overwhelmed. They can ruminate, the activation of a loop of high-intensity problem-solving, and indulge in gossip and back-stabbing. Because they concentrate on the big picture, they can be systems-blind, losing focus on important details.

People with high testosterone levels are independent, outspoken, and direct. They enjoy competition, debate, and exercising power. They are self-directed and prefer autonomy in their work. They are linear systems thinkers, using logic to proceed step by step using a system's rules to solve problems. They value analytical reasoning and achievement. They can be so driven that they fail to care for their physical or mental health. At menopause, when estrogen levels decline and testosterone is more influential, women often become more confident and assertive.

Under stress, people with high-testosterone neurosignatures can resort to bullying, power trips, and angry outbursts. They can be mind-blind, oblivious to the feelings of others. They are risk-takers and drive competitive and stressful work environments. They can be impatient, impulsive, or aggressive.

Using the Fisher Temperament Inventory available online, lawyers can increase their self-awareness of their particular neurosignature.³⁶

LANGUISHING AND LONGEVITY

Languishing can impact life span. Professor Keyes later reexamined the data from the 1995 study, along with data from the National Death Index, and determined that the absence of positive mental health – languishing – can increase the probability of all-cause mortality for both women and men. Fewer than 1% of the participants who were flourishing in 1995 died in the following ten-year period, whereas 5.5% of the nonflourishing ones had died. The likelihood of death had increased by as much as 62 percent in ten years for participants who were not flourishing, which represented 8 out of 10 American adults.³⁷

A pre-pandemic analysis of thirty years of data from the Global Burden of Disease Studies, ranging from 1900 to 2019, sought to examine the impact of mental disorders on disease burden. Mental disorders accounted for 654.8 million cases in 1990, and 970.1 million in 2019, which is an increase of 48.1 percent. The two most common

disorders among all people were anxiety and depression. Most common among females were anxiety, depression, and eating disorders, while ADHD and autism spectrum disorders were more common among males. Disability-adjusted life-years (DALYs) represent the number of years lost to poor health, disability, or early death. Globally, the DALYs swelled from 80.8 to 125.3 million between 1990 and 2019, which was an increase of 44.5 million.³⁸

The COVID-19 pandemic has exacerbated mental health problems. The WHO has reported that there was a 25 percent increase in anxiety and depression worldwide due to stress, uncertainty, social isolation, financial difficulties, and grieving people lost to the pandemic. Women suffered more than men during the pandemic, and young people were gravely impacted and prone to self-harming behaviors and suicide risk. In addition, individuals with preexisting health issues were more likely to develop mental health problems than those without.³⁹

Canadian law school administrators have discovered that pandemic learning has caused law students to report consistent concerns over the state of their deteriorating mental health, struggles with social isolation, extreme overwork, online learning fatigue, and thoughts of suicide for those who had never experienced suicidal ideation previously.⁴⁰ It is likely that some law students and lawyers devolved from a state of languishing to become impaired during the pandemic.

Languishing puts one at risk of developing mental health problems, and it shortens lifespan. Individuals and institutions should invest in improving people's mental strength. This requires personal and organizational awareness of the risks of languishing and mental illness. It also involves personal and professional development and the acknowledgment that people are different in some key ways. To address languishing, we can learn from the literature devoted to the other end of the mental health continuum, flourishing.

POSITIVE PSYCHOLOGY AND FLOURISHING

The other end of the mental health spectrum from languishing is flourishing. An entire subfield of psychology is devoted to the study of flourishing.

The field of positive psychology was initiated in 2000 by Professors Martin Seligman and Mihaly Csikszentmihalyi to study the conditions under which individuals flourish and communities thrive. They were interested in studying the mental strength and attributes that protect people against mental illness.⁴¹ Professor Seligman has described the five elements that result in well-being and, in doing so, developed the PERMA well-being framework. To flourish, a person must experience:

- Positive Emotion – happiness and life satisfaction;
- Engagement, deep involvement in life activities;
- Rewarding Relationships, strong connections to other people;
- Meaning, participation in and service to an endeavor that is larger than oneself; and
- Accomplishment, mastery or proficiency that is pursued for its own sake.⁴²

Some lawyers suffer from mental illnesses such as anxiety, depression, or substance use disorder. Others are languishing, enduring a state of incomplete mental health.

The ABA report *Path to Lawyer Well-being* tells us that the reasons the profession needs to address the well-being crisis are to enhance the effectiveness of legal organizations, improve the professional and ethical behavior of lawyers, and support the flourishing of individual lawyers. In order to flourish, lawyers must thrive in the physical, emotional, intellectual, spiritual, occupational, and social domains of their lives.

The well-being domains are further explained:

- “Physical Domain – Striving for regular physical activity, proper diet and nutrition, sufficient sleep, and recovery; minimizing the use of addictive substances; seeking help for physical health when needed.
- Emotional Domain – Recognizing the importance of emotions; developing the ability to identify and manage our own emotions to support mental health, achieve goals, and inform decision-making; seeking help for mental health when needed.
- Intellectual Domain – Engaging in continuous learning and the pursuit of creative or intellectually challenging activities that foster ongoing development; monitoring cognitive wellness.
- Spiritual Domain – Developing a sense of meaningfulness and purpose in all aspects of life.

- Occupational Domain – Cultivating personal satisfaction, growth, and enrichment in work; financial stability.
- Social Domain – Developing a sense of connection, belonging, and a well-developed support network while also contributing to our groups and communities.”⁴³

This book provides an argument, via an examination of neuroscience and psychology research, that explains *why* lawyers should attend to the well-being domains.

Before we can identify ways of enhancing individual lawyer’s brain health and mental strength, we need to examine the core characteristics of the lawyering culture that trigger languishing or impairment. How did we get here?

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