

Introverted Lawyers: Agents of Change in the Legal Profession

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ABSTRACT

From law school admission to legal practice, students and practitioners are inundated with messages about who is, and who is not, fit to be a lawyer. The stereotypical lawyer is a fast-talking, podium-pounding extrovert who is unafraid to take aggressive stances, whether in the courtroom or at the negotiation table. The quiet observers, deep thinkers, and insightful writers, meanwhile, are pushed to the sidelines. Their authentic voices are stifled, and their natural skills underutilized. But the legal profession undervalues introverted traits to its detriment. Introverts—like all those who do not fit within the lawyer typecast—are compelled to conform to the image of what a lawyer is “supposed” to look and act like. The resulting homogeneity has engendered a profession-wide crisis that can no longer be ignored.

This Article examines the intersection between introversion, the structure of legal education, and the practice of law. Despite the emphasis placed on extroverted traits, research reveals that introverts bring powerful qualities and prized skills to the practice of law, such as empathy, collaborative leadership and negotiation styles, intrinsic and ethically centered motivation, and complex problem-solving skills. By recognizing the value of these qualities and embracing authentic styles of advocacy in general, we can strengthen the profession.

TABLE OF CONTENTS

INTRODUCTION	113
I. OVERVIEW	115
A. THE PROBLEM	115
B. THE SOLUTION	118

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1.	THE INTROVERT-EXTROVERT CONTINUUM	118
2.	INTROVERSION DEFINED	120
a.	Sensitivity to Stimuli	120
b.	Slow and Deliberate Work Style	122
c.	Socialization Style	122
d.	Distinction Between Introversion, Shyness, and Social Anxiety	123
3.	INTROVERSION AS A COUNTERBALANCE TO THE TRIPARTITE CRISIS	124
II.	THE SETTING	126
A.	LAW SCHOOL ADMISSION	126
1.	THE LSAT	127
2.	IMPACT ON INTROVERTS	129
B.	LEGAL EDUCATION	131
1.	THE SOCRATIC METHOD	131
2.	TIMED EXAMS AND CURVE GRADING	133
3.	IMPACT ON INTROVERTS	135
C.	LEGAL CULTURE	138
1.	HOMOGENEITY, HYPER-COMPETITIVENESS, AND ABSENCE OF EMPATHY	139
2.	IMPACT ON INTROVERTS	142
III.	THE SOLUTION	143
A.	BENEFITS OF INTROVERTED LAWYERS	144
1.	EMPATHY	145
2.	ETHICS	147
3.	LEADERSHIP	148
4.	COMPLEX PROBLEM SOLVING	150
5.	REWARD SENSITIVITY	153
6.	NEGOTIATION	156

2023]	INTROVERTED LAWYERS	113
B.	WHY FORCING INTROVERTS TO ACT MORE EXTROVERTED WILL NOT WORK	160
1.	TEMPERAMENT IS BIOLOGICALLY PREDETERMINED	160
2.	ADVERSE HEALTH CONSEQUENCES	161
IV.	PROPOSED REFORMS	162
A.	LEGAL EDUCATION	164
1.	DECREASE RELIANCE ON THE LSAT	165
2.	INCORPORATE PERSONALITY TESTING INTO LEGAL EDUCATION	166
3.	CHANGE THE METHOD OF LAW SCHOOL INSTRUCTION	167
a.	Eliminate the Socratic Method	168
b.	Incorporate Soft-Skill Training	169
c.	More Emphasis on Papers and Take-Home Exams . .	170
d.	Public Speaking Support	170
B.	LEGAL PRACTICE AND CULTURE	171
1.	ALTER WORKPLACE OPERATIONS	171
2.	CHANGE HIRING PRACTICES	172
3.	INCREASE AWARENESS	173
4.	FORM AN INTROVERTED LAWYERS BAR ASSOCIATION	175
CONCLUSION.	175

INTRODUCTION

The legal profession is in crisis. Tens of thousands of complaints are filed against lawyers for alleged misconduct and unethical behavior every year.¹ Professionalism has declined to the point where “lawyers are frequently likened to snakes and sharks.”² Numerous studies have found that the legal profession is

1. AM. BAR ASS’N COMM’N ON EVALUATION OF DISCIPLINARY ENF’T, LAWYER REGULATION FOR A NEW CENTURY: REPORT OF THE COMMISSION ON EVALUATION OF DISCIPLINARY ENFORCEMENT (Sept. 18, 2018), https://www.americanbar.org/groups/professional_responsibility/resources/report_archive/mckay_report [https://perma.cc/KFN9-QZJ4].

2. Jeffrey A. Maine, *Importance of Ethics and Morality in Today’s Legal World*, 29 STETSON L. REV. 1075, 1077–78 (2000); see also Ann Southworth, *Our Fragmented Profession*, 30 GEO. J. LEGAL ETHICS 431, 435 (2017) (“Concerns about lawyers’ ethical failings . . . continue to this day.”); Eli Wald, *Formation without Identity: Avoiding a Wrong Turn in the Professionalism Movement*, 89 U. MO. KAN. CITY L. REV. 685, 686–87 (2021) (“[I]n the face of increasingly competitive practice realities stressing competence, zeal, loyalty to

among the least reputed institutions in the United States.³ In a Gallup poll from 2020, only three percent of respondents rated the “honesty and ethical standards” of lawyers as “very high.”⁴ In an earlier landmark survey commissioned by the American Bar Association (“ABA”), sixty-nine percent of respondents agreed with the statement that “lawyers are more interested in making money than in serving their clients,” and seventy-four percent agreed with the statement that “lawyers are more interested in winning than in seeing that justice is served.”⁵ Mental health issues are notoriously pervasive, with approximately twenty-eight percent of lawyers suffering from depression, nineteen percent experiencing symptoms of anxiety, and twenty-one percent qualifying as problem drinkers.⁶

This Article contends that these problems are, in part, the product of a profession that makes room for only a narrow range of personalities. By valuing a single trait—extroversion—to the exclusion of others, the legal field has created an environment of intolerance, competition, and aggression. Instead of honing their natural skills, lawyers are compelled to conform to a narrow, homogeneous norm. As a result, the legal profession is rife with extroverts, and introverts *pretending to be extroverts*. This forced conformity prevents introverted lawyers from harnessing innate competencies and skills that would, if authentically expressed, help heal and reform the profession. The pressure to conform also fosters exclusion and intolerance, which, in turn, drastically increases the risk of mental health issues. But the traits that accompany introversion have powerful potential to counteract many of these problems. By understanding, accepting, and embracing introversion, we can create a new way forward. In order to adequately address the problems facing the legal field, however, we must first confront the underlying issues that got us here.

Part I provides a brief overview of the crisis facing the legal profession, as well as a detailed explanation of introversion and how introverted lawyers can serve as an integral part of the solution. Part II delves into the current state of legal education and professional culture, and the negative impact these sectors have on introverted law students and lawyers. Part III provides an in-depth look at the ways that introverted lawyers are naturally suited for legal practice and uniquely poised to counteract the problems in the profession. Finally, Part IV offers a number of reforms aimed at fostering an environment where introverted lawyers can thrive and, ultimately, revolutionize the profession.

clients, and instrumental reasoning while deemphasizing morality, justice, equality, and the public interest, law schools must instill these core latter commitments of the profession in their students in context.”).

3. LEO J. SHAPIRO & ASSOCS., AM. BAR ASS’N SECTION OF LITIG., PUBLIC PERCEPTIONS OF LAWYERS CONSUMER RESEARCH FINDINGS 6 (2002).

4. *Honesty/Ethics in Professions*, GALLUP, <https://news.gallup.com/poll/1654/honesty-ethics-professions.aspx> [<https://perma.cc/Q7KN-AA29>] (last visited Oct. 1, 2022).

5. LEO J. SHAPIRO & ASSOCS., *supra* note 3, at 7.

6. AM. BAR ASS’N, ABA PROFILE OF THE LEGAL PROFESSION 99 (2020), <https://www.americanbar.org/content/dam/aba/administrative/news/2020/07/potlp2020.pdf> [<https://perma.cc/SU4V-5CY4>].

I. OVERVIEW

A. THE PROBLEM

The primary concerns in the legal profession can be roughly characterized along three dimensions:⁷ (1) unethical and unprofessional behavior,⁸ (2) negative public perception,⁹ and (3) mental distress and career dissatisfaction.¹⁰ First, law schools and legal employers uniformly fail to cultivate the ethical values that underlay professionalism.¹¹ Empathy—which motivates ethical conduct—takes a backseat to rationality.¹² Emphasis is placed on the minimum ethical disciplinary rules that govern lawyer conduct, rather than aspirational values that engender professionalism.¹³ This approach fails to recognize the role of moral conscience and the value of morality in legal practice.¹⁴ As a result, ethically-questionable—if not altogether unethical—behavior is widespread.¹⁵ Second, although disdain for lawyers is not new, negative attitudes toward attorneys have dramatically increased in recent years.¹⁶ Many lawyers lack the emotional intelligence, self-

7. Susan Swaim Daicoff, *Asking Leopards to Change Their Spots: Should Lawyers Change? A Critique of Solutions to Problems with Professionalism by Reference to Empirically-Derived Attorney Personality Attributes*, 11 GEO. J. LEGAL ETHICS 547, 547 (1998).

8. Southworth, *supra* note 2, at 435 (“Tremendous upheaval in the American legal profession during the past several decades has generated an outpouring of commentary on the profession’s troubles, including its alleged declining commitment to professional virtue.”).

9. Katerina P. Lewinbuk, *Kindling the Fire: The Call for Incorporating Mandatory Mentoring Programs for Junior Lawyers and Law Students Nationwide*, 63 ST. LOUIS U. L.J. 211, 213 (2019).

10. Michael S. Webb, *Dissenting from Death: Preventing Lawyer Suicide*, AM. BAR ASS’N (Nov. 24, 2021), https://www.americanbar.org/groups/senior_lawyers/publications/voice_of_experience/2021/voice-of-experience-november-2021/dissenting-from-death-preventing-lawyer-suicide/ [<https://perma.cc/C9ZJ-5L4C>].

11. See Maine, *supra* note 2, at 1077; see also Southworth, *supra* note 2, at 439 (“Organizations’ ethical cultures . . . sometimes generate pressure to engage in professional misconduct.”); Sabrina C. Narain, *A Failure to Instill Realistic Ethical Values in New Lawyers: The ABA and Law School’s Duty to Better Prepare Lawyers for Real Life Practice*, 41 W. STATE U. L. REV. 411, 412 (2014) (“The purpose of this Article is to increase awareness about the lack of ethics courses offered at American Bar Association (ABA) accredited law schools, and the need for the ABA and its members to offer courses that are not solely meant to assist in passing the Multistate Professional Responsibility Exam (MPRE).”); Wald, *supra* note 2, at 687 (“[I]n the face of changing practice realities that increasingly incentivize competence, zeal, client-centered loyalty and instrumentalism, legal education has regrettably adhered to a traditional model that deemphasizes morality, justice, equality, and the public interest.”).

12. See Maine, *supra* note 2, at 1077.

13. *Id.* at 1082.

14. *Id.*; see also Wald, *supra* note 2, at 689–90 (“[T]he MacCrate Report explicitly identifies a list of four fundamental values of the profession: provision of competent representation to clients; striving to promote justice, fairness, and morality; striving to improve the profession; and professional self-development.”).

15. Daicoff, *supra* note 7, at 549–51, 562–63; Narain, *supra* note 11, at 411–24.

16. See Emily S. Taylor Poppe & Jeffrey J. Rachlinski, *Do Lawyers Matter? The Effect of Legal Representation in Civil Disputes*, 43 PEPP. L. REV. 881, 882 (2016) (“As the vast canon of lawyer jokes reveals, there is a popular perception that the bar has failed in the pursuit of justice, existing instead as a morally bankrupt profession that obstructs justice, preys on the weak, bends to the interests of the powerful, and promotes conflict.”); Victoria Pynchon, *It’s OK to Hate Lawyers*, FORBES (Jan. 18, 2013), <https://www.forbes.com/sites/shenegotiates/2013/01/18/its-ok-to-hate-lawyers/?sh=4cb6ca9a5694> [<https://perma.cc/9LBV-8UQD>]; Rebecca Love Kourlis, *Public Trust and Confidence in the Legal System: The Way Forward*, IAALS (Sept. 13, 2019),

awareness, and empathy to be effective leaders,¹⁷ which perpetuates the negative public perception that they are domineering.¹⁸ And while lawyers excel at issue identification, they are less adept at providing clients with tangible, holistic solutions.¹⁹ In general, lawyers lack crucial client-relations skills,²⁰ which contributes to the negative image of lawyers as untrustworthy and cold.²¹ Third, a disproportionate number of lawyers suffer from substance abuse and other mental health issues.²² “Lawyers are 3.6 times more likely to suffer from depression than non-lawyers,” and the legal field has one of the highest rates of suicide compared to other professions.²³ Lawyers also suffer much higher levels of career dissatisfaction than most other professions.²⁴ Taken together, these problems paint a dismal picture of a profession in crisis. This “tripartite crisis,” as legal scholar Susan Daicoff calls it,²⁵ has placed the profession at a crossroads.

Increasingly, experts have begun to suspect that the “profession’s current problems may be attributable, in part, to the narrow range of personality characteristics found among [lawyers] and the challenges that law school and the profession pose for the few who fall outside that narrow range.”²⁶ In the United States, the “typecast of the effective lawyer conjures images of an extroverted, confident,

<https://iaals.du.edu/blog/public-trust-and-confidence-legal-system-way-forward> [<https://perma.cc/HCH3-XWU4>] (“[I]n the 1960s and ‘70s, public trust [in lawyers and the legal system] began to unravel. In the wake of Vietnam and Watergate, then the Enron scandal and savings and loan crisis in the 1980s, the subprime crisis, mortgage fraud into the 2000s, and on and on—the body politic began to lose faith in the fairness and equality of the system. That trend continues today.”).

17. April Mara Barton, *Teaching Lawyers to Think Like Leaders: The Next Big Shift in Legal Education*, 73 BAYLOR L. REV. 115, 116 (2021).

18. See Lynn Mather, *What Do Clients Want? What Do Lawyers Do?*, 52 EMORY L.J. 1065, 1073, 1077–78 (2003).

19. Mark A. Cohen, *Lawyers Can Repair Their Tarnished Image*, FORBES (Oct. 10, 2016), <https://www.forbes.com/sites/markcohen1/2016/10/10/lawyers-can-repair-their-tarnished-image> [<https://perma.cc/H868-PKN7>]; see also Daicoff, *supra* note 7, at 580 (Many “commentators propose that lawyers unilaterally alter their role as advocate to become problem-solvers rather than instigators and perpetrators of conflict.”).

20. Cohen, *supra* note 19.

21. See Susan Swaim Daicoff, *Lawyer, Know Thyself: A Review of Empirical Research on Attorney Attributes Bearing on Professionalism*, 47 AM. U. L. REV. 1337, 1346 (1997); Debra Cassens Weiss, *How Are Lawyers Viewed by the Public? Envy May Account for Glee in Attorney Mishaps, Study Says*, ABA J. (Sept. 25, 2014), https://www.abajournal.com/news/article/how_are_lawyers_viewed_by_the_public_envy_may_account_for_glee_in_attorney [<https://perma.cc/S38C-RT5C>].

22. Daicoff, *supra* note 7, at 555.

23. Michael S. Webb, *Dissenting from Death: Preventing Lawyer Suicide*, AM. BAR ASS’N (Nov. 24, 2021), https://www.americanbar.org/groups/senior_lawyers/publications/voice_of_experience/2021/voice-of-experience-november-2021/dissenting-from-death-preventing-lawyer-suicide [<https://perma.cc/C2WN-ULQV>] (“The Dave Nee Foundation in New York, a think tank for the study of lawyer depression, ranks American lawyers 5th occupationally in the incidence of suicide.”); Jeena Cho, *Attorney Suicide: What Every Lawyer Needs to Know*, ABA J. (Jan. 1, 2019), https://www.abajournal.com/magazine/article/attorney_suicide_what_every_lawyer_needs_to_know [<https://perma.cc/WT8H-HKNX>].

24. Jennifer Jolly-Ryan, *Promoting Mental Health in Law Schools: What Law Schools Can Do for Law Students to Help Them Become Happy, Mentally Healthy Lawyers*, 48 U. LOUISVILLE L. REV. 95, 100 (2009).

25. Daicoff, *supra* note 7, at 547.

26. Jeffrey H. Goldfien, *Arguing for the Eclectic: Personality and the Legal Profession*, 10 LEWIS & CLARK L. REV. 187, 188 (2006).

prolix, podium-pounding orator.”²⁷ Components of the so-called “lawyer personality” include “dominance, aggression, and competitiveness,” with an emphasis on money and prestige over interpersonal relations.²⁸ Across the board, law schools and legal employers alike compel “conformity to a homogeneous norm.”²⁹ Research confirms that students who do not resemble the stereotypical lawyer are “changed by law school to fit the norm” and, naturally, often experience significant mental distress as a result.³⁰ Furthermore, many coveted traits of an “effective” lawyer foster unethical behavior and jeopardize relationships with clients, colleagues, judges, and other lawyers.³¹

The lawyer archetype reflects a larger value system in our culture that experts have dubbed “the Extrovert Ideal.” Susan Cain, a former corporate attorney and the author of *Quiet: The Power of Introverts in a World That Can’t Stop Talking*, describes the Extrovert Ideal as an “omnipresent belief that the ideal self is gregarious, alpha, and comfortable in the spotlight.”³² “The archetypal extrovert,” Cain explains, “prefers action to contemplation, risk-taking to heed-taking, certainty to doubt. He favors quick decisions, even at the risk of being wrong. She works well in teams and socializes in groups.”³³ It is this image that Americans have idolized since the dawn of Dale Carnegie’s *How to Win Friends & Influence People*. While there is nothing wrong with being outgoing, assertive, or gregarious, the Extrovert Ideal has become a restrictive standard to which non-extroverts feel compelled to conform. This forced homogeneity can be seen throughout all corners of the western world. Undeniably, “[l]aw practice encourages and promotes the extrovert ideal”³⁴ and “favors the

27. HEIDI K. BROWN, *THE INTROVERTED LAWYER: A SEVEN-STEP JOURNEY TOWARD AUTHENTICALLY EMPOWERED ADVOCACY* v (2017).

28. Goldfien, *supra* note 26, at 191; *see also* Daicoff, *supra* note 21, at 1378, 1418 (discussing the legal profession’s “underemphasis on the development of interpersonal skills” and “lawyers’ drives for achievement, dominance, money, and prestige”).

29. Daicoff, *supra* note 21, at 1385.

30. *Id.* at 1423.

31. *Id.*; *see, e.g.*, Lee Norton, Jennifer Johnson & George Woods, *Burnout and Compassion Fatigue: What Lawyers Need to Know*, 84 U. MO. KAN. CITY L. REV. 987, 995 (2016) (“Adversarial thinking is useful in trials when the lines have already been drawn. But, when it prevails within the workplace, it undermines essential social engagement and fluid, generative problem solving” and fosters a “win-lose world view that damages personal and professional relationships.”).

32. SUSAN CAIN, *QUIET: THE POWER OF INTROVERTS IN A WORLD THAT CAN’T STOP TALKING* 4 (2012). The term “Extrovert Ideal” has also been used in A. Rachel Camp, *Creating Space for Silence in Law School Collaborations*, 65 J. LEGAL EDUC., 897, 900 (2016); Kendall M. Gray, *United States: The Appellate Record Blog: More Than One Kind of Lawyer*, HUNTON ANDREWS KURTH LLP (Aug. 15, 2012), <https://www.mondaq.com/unitedstates/arbitration-dispute-resolution/191994/the-appellate-record-blog-more-than-one-kind-of-lawyer> [<https://perma.cc/VF5E-N7UQ>]; BROWN, *supra* note 27, at 33; *cf.* Thomas McDaniel, *The ‘Quiet’ Dean: Rethinking the ‘Extrovert Ideal’ of Leadership*, ACAD. LEADER (Mar. 1, 2014), https://www.academic-leader.com/topics/leadership/the_quiet_dean_rethinking_the_extrovert_ideal_of_leadership/ [<https://perma.cc/B93Q-FHZ8>] (discussing the “Extrovert Ideal” in academic leadership).

33. CAIN, *supra* note 32, at 4.

34. BROWN, *supra* note 27, at 33.

talkative extrovert.”³⁵ But the legal profession undervalues introverts to its own detriment.

B. THE SOLUTION

Introverts possess coveted competencies that make them uniquely poised to counteract the tripartite crisis facing the legal profession. To recognize and truly appreciate the power introverts wield, however, it is crucial to first understand what introversion and extroversion mean.

1. THE INTROVERT-EXTROVERT CONTINUUM

The terms “introvert” and “extrovert” were introduced in 1921 by Carl Jung as a way to distinguish people who feel more connected to their inward thoughts and feelings from those who focus more on the external world.³⁶ Unlike specific personality traits, introversion and extroversion are *temperaments*,³⁷ which the American Psychological Association defines as “the basic foundation of personality, usually assumed to be biologically determined and present early in life, including such characteristics as energy level, emotional responsiveness, demeanor, mood, response tempo, behavioral inhibition, and willingness to explore.”³⁸ Often described as “the single most important aspect of personality,”³⁹ temperament is biologically hardwired from birth and, for the most part, remains static over the course of one’s lifetime.⁴⁰ It is “reflected in our brain pathways, neurotransmitters, and remote corners of our nervous systems.”⁴¹ But importantly, temperament exists on a continuum. As Carl Jung famously put it, “[t]here is no such thing as a pure introvert or a pure extrovert. Such a [person] would be in the lunatic asylum.”⁴² Indeed, introversion and extroversion are not distinct personality types; rather, they describe a *spectrum of traits* that “are part of a single, continuous dimension of personality.”⁴³

Nonetheless, there are significant and important differences between “introverts”—those who fall closer to the introversion end of the continuum—and “extroverts”—those who fall closer to the extroversion end of the continuum.

35. *Id.* at v.

36. See generally CARL JUNG, *PSYCHOLOGICAL TYPES* (Princeton University Press 1921).

37. Syeda Raza & Cara Patton Liu, *Bringing Your Whole Self to Work, Unapologetically – Temperaments and the Role of a Leader*, 36 ACC DOCKET 42, 44 (July–Aug. 2018).

38. *Temperament*, APA DICTIONARY OF PSYCHOLOGY, <https://dictionary.apa.org/temperament> [https://perma.cc/49XZ-SBP8] (last visited Oct. 1, 2022).

39. CAIN, *supra* note 32, at 2–3.

40. Raza & Liu, *supra* note 37, at 44 (“Introversion and extroversion are largely static,” and are “considered ‘the most reliable construct of temperament’ with a genetic component.”).

41. CAIN, *supra* note 32, at 3.

42. RICHARD I. EVANS, *CONVERSATIONS WITH CARL JUNG AND REACTIONS FROM ERNEST JONES* 70 (1964).

43. Domina Petric, *Introvert, Extrovert and Ambivert 1* (Sept. 2019) (unpublished manuscript), https://www.researchgate.net/publication/335571120_Introvert_Extrovert_and_Ambivert [https://perma.cc/6YLH-P45T].

Our place on this continuum dictates “how likely we are to exercise, commit adultery, function well without sleep, learn from our mistakes, place big bets in the stock market, delay gratification, be a good leader, and ask ‘what if.’”⁴⁴

Many of the differences between introverts and extroverts can be traced to the neurochemical that their “dominant” brain passageways employ.⁴⁵ Introverts use the neurochemical acetylcholine—which travels through a neural pathway that is connected to reasoning, learning, long-term memory, and inner monologue—to recharge their batteries.⁴⁶ “This pathway is long and complex.”⁴⁷ Extroverts’ main pathway, by contrast, “is short and less complicated.”⁴⁸ Unlike introverts, they primarily use dopamine and adrenaline—which are connected to excitement, physical activity, and short-term memory—to recharge their batteries.⁴⁹ While introverts’ blood flows to the “parts of the brain involved with internal experiences like remembering, solving problems, and planning,” extroverts’ blood flows “to the areas of the brain where visual, auditory, touch, and taste (excluding smell) sensory processing occurs.”⁵⁰

The upshot of these neurochemical differences is that “[e]xtroverts process information externally” and “[i]ntroverts process information internally.”⁵¹ In other words, extroverts “must have an audience to process and rationalize,” whereas introverts “do not need others in the process.”⁵² “Extroverts think out loud and on their feet; they prefer talking to listening [and] rarely find themselves at a loss for words”;⁵³ introverts “listen more than they talk, think before they speak,” and use their words judiciously.⁵⁴ Susan Cain has explained the internal-external processing differences this way:

[I]f you leave them to their own devices, the introverts tend to sit around wondering about things, imagining things, recalling events from their past, and making plans for the future. The extroverts are more likely to focus on what’s happening around them. It’s as if extroverts are seeing “what is” while their introverted peers are asking “what if.”⁵⁵

In addition, research indicates that “introverts have more blood coursing to their brains than extroverts, which links to intensified stimulation and

44. CAIN, *supra* note 32, at 3.

45. BROWN, *supra* note 27, at 8.

46. Lori A. Lofano, *Understanding Introverts: An Overview*, 59 No. 2 FOR DEF. 82 (2017).

47. BROWN, *supra* note 27, at 8 (quoting MARTI OLSEN LANEY, *THE INTROVERT ADVANTAGE: HOW QUIET PEOPLE CAN THRIVE IN AN EXTROVERT WORLD* (2002)).

48. *Id.*

49. Lofano, *supra* note 46.

50. BROWN, *supra* note 27, at 8 (quoting LANEY, *supra* note 47, at 70).

51. Swinton W. Hudson, Jr. & Jeremy C. Ferguson, *Leadership Personalities: Extrovert, Introvert or Ambivert?*, 2 INT’L J. MGMT. & ECON. INVENTION 999, 999 (2016).

52. *Id.*

53. CAIN, *supra* note 32, at 11.

54. *Id.*

55. *Id.* at 168.

sensitivity.”⁵⁶ As a result, introverts are much more sensitive to stimuli than extroverts; they need a lower level of external stimulation to function well and are “relatively immune to the lures of wealth and fame.”⁵⁷

This Article uses the word “introvert” to describe someone who conclusively falls on the introversion end of the temperament continuum and the word “extrovert” to describe someone who conclusively falls on the extroversion end. However, it would be remiss not to mention the considerable population of people who fall directly in the middle: so-called “ambiverts.” “An ambivert is someone who exhibits qualities of both introversion and extroversion and can flip into either depending on their mood, context and goals.”⁵⁸ Because the line between introversion and extroversion is not clear-cut, it is difficult to determine exactly what percentage of the population are considered “true” ambiverts (i.e., not leaning conclusively toward either introversion or extroversion). Some ambiverts vacillate between introversion and extroversion depending on the demands of the situation or context. Others may lean more toward introversion or extroversion depending on their mood. Nonetheless, because ambiverts share qualities with introverts, the Extrovert Ideal can be just as constraining for them as it is for “true” introverts. They are unable to vacillate between temperaments the way they naturally would and instead must constantly adopt an extroverted façade. For that reason, the argument that the legal profession must make room for a more diverse range of personalities applies in equal force to ambiverts. It is homogeneity—not extroversion—that threatens the legal profession.

2. INTROVERSION DEFINED

While there are many ways to define introversion, today’s psychologists tend to agree that introverts are characterized by their sensitivity to external stimuli, their slow and deliberate work style, and their socialization preferences.⁵⁹

a. Sensitivity to Stimuli

The defining feature of introversion is high sensitivity to external stimuli.⁶⁰ Research has repeatedly found that introverts “process information about their

56. BROWN, *supra* note 27, at 8.

57. CAIN, *supra* note 32, at 11.

58. Petric, *supra* note 43, at 1.

59. See CAIN, *supra* note 32, at 10–11.

60. Gershon Tenenbaum & Michael Bar-Eli, *Personality and Intellectual Capabilities in Sport Psychology*, in INTERNATIONAL HANDBOOK OF PERSONALITY AND INTELLIGENCE 687, 689 (Donald H. Saklofske & Moshe Zeidner eds., 1995) (“[Psychologist Hans Eysenck] argued that introverts differ from extraverts in the functioning of the ascending reticular activating system (ARAS), which is responsible for activating/deactivating higher brain portions. . . . For this reason, introverts are said to avoid further stimulation, whereas extraverts are induced to seek additional stimulation (because of their lower arousal base levels).”; see also, HANS EYSENCK, DIMENSIONS OF PERSONALITY 89 (1st ed. 1997) (“[T]he extraversion introversion dimension is identified largely with differences in level of activity in the cortico-reticular loop, introverts being characterized by higher levels of activity than extraverts, and thus being chronically more cortically aroused.”).

environments—both physical and emotional—unusually deeply.”⁶¹ In 1989, Harvard University psychologist Jerome Kagan conducted a longitudinal study on infant response to external stimulation. Kagan and his team exposed 500 four-month-old infants to a carefully chosen set of new experiences, including tape-recorded voices, balloons popping, colorful mobiles, and the scent of alcohol on cotton swabs.⁶² In response to the stimuli, about twenty percent of the infants cried and pumped their arms and legs around fiercely.⁶³ Kagan called this group “high reactive.”⁶⁴ About forty percent of the infants stayed quiet and placid in response, which Kagan called the “low reactive” group.⁶⁵ The remaining forty percent fell somewhere in between those two extremes.⁶⁶ At first blush, it might seem like the high reactive group—the infants who reacted boisterously—would grow up to be extroverts. After all, their reaction was louder and more expressive. But the high reactive infants turned out to be introverts.⁶⁷ They cried and thrashed around not because they were extroverts-in-the-making, but because their little bodies reacted strongly to new sights, sounds, and smells.⁶⁸ “Extroverts are sometimes credited with being ‘pro-social’—meaning caring about others—and introverts disparaged as people who don’t like people. But the reactions of the infants in Kagan’s tests had nothing to do with people.”⁶⁹ Kagan continued to study all 500 infants as they matured and found significant differences in their amygdalae, the part of the brain responsible for processing sensory information related to emotion.⁷⁰ As adults, the amygdalae of high reactive individuals “turned out to be more sensitive to the pictures of unfamiliar faces than did the amygdalae of those who’d been bold toddlers.”⁷¹ In other words, the footprint of introversion or extroversion—i.e., the infants’ reactions to stimulation—never disappeared in adulthood. It was biologically hard-wired from infancy.

61. CAIN, *supra* note 32, at 136; *see also* Jadzia Jagiellowicz, Xiaomeng Xu, Arthur Aron, Elain Aron, Guikang Cao, Tingyong Feng & Xuchu Weng, *The Trait of Sensory Processing Sensitivity and Neural Responses to Changes in Visual Scenes*, 6 SOC. COGNITIVE & AFFECTIVE NEUROSCIENCE 38–47 (2011); Jutta Stahl & Thomas Rammsayer, *Extroversion-Related Differences in Speed of Premotor and Motor Processing as Revealed by Lateralized Readiness Potentials*, 40 J. MOTOR BEHAV. 143–54 (2008).

62. CAIN, *supra* note 32, at 99.

63. *Id.* at 99–100.

64. *Id.* at 100.

65. *Id.*

66. *Id.*

67. *Id.* at 102–03.

68. *Id.*

69. *Id.*

70. ANTHONY WRIGHT, NEUROSCIENCE ONLINE (ebook) (last revised Oct. 10, 2020) <https://nba.uth.tmc.edu/neuroscience/m/s4/chapter06.html> [<https://perma.cc/539F-4RJG>].

71. CAIN, *supra* note 32, at 117.

b. Slow and Deliberate Work Style

In addition, most experts agree that introversion can be defined by distinct work styles and preferences.⁷² Because of their heightened sensitivity, introverts need to shut out external stimuli in order to prepare their ideas.⁷³ Naturally, they thrive in quiet workspaces where they have the time and privacy to work through complex problems.⁷⁴ In one study, introverts and extroverts were asked to play complex word games while wearing headphones that emitted random bursts of noise.⁷⁵ In the first trial, participants were allowed to adjust the headphones to their preferred volume.⁷⁶ On average, introverts chose a volume that was seventeen decibels lower than extroverts' preferred volume.⁷⁷ In the second trial, the introverts were asked to work at the noise level preferred by extroverts, and vice versa.⁷⁸ Both groups underperformed, taking roughly twice as much time to solve the word games than when working at their preferred noise levels.⁷⁹ Introverts' heightened sensitivity also makes them highly detail-oriented, so they tend to "notice subtleties that others miss."⁸⁰ They prefer to work slowly and deliberately, focusing intently on a single task at a time, rather than switching their attention between tasks.⁸¹ Introverts' minds are "naturally abuzz with activity"⁸²—they literally have more blood coursing to their brains⁸³—which means they need time to process ideas before articulating them.⁸⁴ For that reason, most introverts feel they communicate better in writing than in conversation.⁸⁵

c. Socialization Style

Finally, and perhaps least surprisingly, introversion can be defined by socialization style and preferences. However, it is important to note at the outset that introversion has nothing to do with sociability. "Probably the most common—and damaging—misunderstanding about personality type is that introverts are antisocial," but that could not be further from the truth.⁸⁶ Because of their

72. *Id.* at 11.

73. Heidi K. Brown, *The "Silent But Gifted" Law Student, Transforming Anxious Public Speakers into Well-Rounded Advocates*, 18 LEGAL WRITING: J. LEGAL WRITING INST. 291, 297 (2012) (quoting LAURIE HELGOE, *INTROVERT POWER: WHY YOUR INNER LIFE IS YOUR HIDDEN STRENGTH* 13 (2008)).

74. BROWN, *supra* note 27, at 11.

75. See generally Russel G. Geen, *Preferred Stimulation Levels in Introverts and Extroverts: Effects on Arousal and Performance*, 46 J. PERSONALITY & SOC. PSYCH. 1303 (1984).

76. *Id.* at 1305–06.

77. *Id.* at 1307–08.

78. *Id.* at 1308.

79. *Id.* at 1311.

80. CAIN, *supra* note 32, at 136.

81. *Id.* at 11.

82. Brown, *supra* note 73, at 297 n.28 (quoting HELGOE, *supra* note 73).

83. BROWN, *supra* note 27, at 8.

84. Brown, *supra* note 73.

85. CAIN, *supra* note 32, at 11.

86. *Id.* at 226.

heightened sensitivity to stimuli, introverts are exceptionally attuned to others' emotions.⁸⁷ Research shows that when introverts "see faces of people experiencing strong feelings, they have more activation than others do in areas of the brain associated with empathy and with trying to control strong emotions."⁸⁸ Such high levels of empathy can, of course, be draining. This, combined with introverts' general sensitivity to stimuli, may be why introverts recharge their energy through solitude rather than social engagement.⁸⁹ Heidi Brown, an introverted lawyer who has written extensively about introversion and the legal field, explains: "[i]ntroverts certainly are capable of exerting energy in public, and they can be quite adept in the art of social engagement when they want or need to be. However, eventually, a long span of human interface saps an introvert's energy."⁹⁰ In addition to the way they recharge, introverts also tend to socialize differently. Most introverts detest small talk but revel in deep, one-on-one discussions.⁹¹ Some researchers attribute this characteristic to introverts' unusually complex thought processes. "If you're thinking in more complicated ways," psychologist Jadzia Jagiellowicz explains, "then talking about the weather or where you went for the holidays is not quite as interesting as talking about values or morality."⁹² Relatedly, introverts tend to listen more than they talk. And when they do talk, they chose their words judiciously. Introverts' natural conversational flow often involves "listen[ing], paus[ing], think[ing] . . . reflect[ing]," and sometimes "even mentally rehears[ing] phrasing and language choices before reacting to a question or statement."⁹³

d. Distinction Between Introversion, Shyness, and Social Anxiety

To truly understand what introversion means, it is crucial to understand what it does *not* mean. Introversion is categorically distinct from shyness or social anxiety. Shyness refers to "the fear of social disapproval or humiliation."⁹⁴ And social anxiety is an extreme, clinically-diagnosable form of shyness.⁹⁵ Shy or socially-anxious people are afraid of being "evaluated, judged, critiqued, shamed, and rejected in their everyday interfaces with other human beings."⁹⁶ They often have "a forceful and prolific internal critical voice that constantly castigates them for everyday actions, speech, and behavior."⁹⁷ Introverts, by contrast, simply prefer

87. *Id.* at 137, 140–41.

88. *Id.* at 138.

89. BROWN, *supra* note 27, at 3.

90. *Id.* at 6.

91. CAIN, *supra* note 32, at 11.

92. *Id.* at 137.

93. BROWN, *supra* note 27, at 7.

94. CAIN, *supra* note 32, at 12.

95. BROWN, *supra* note 27, at 18.

96. *Id.* at 17.

97. *Id.*

environments that are not overstimulating.⁹⁸ They need time to process information internally but are confident speakers when they are ready to communicate.⁹⁹ Some introverts are shy, but many are not.¹⁰⁰ Some introverts suffer from social anxiety, but most do not.¹⁰¹ Understanding the distinction between shyness, social anxiety, and introversion is essential. Shyness and social anxiety are inherently painful and often stem from childhood trauma.¹⁰² With enough counseling, shyness and social anxiety can be overcome. Introversion, on the other hand, is biologically hard-wired;¹⁰³ it is not something that can be treated with therapy or overcome through clinical intervention. Nor should it be. Introversion, unlike shyness and social anxiety, is not inherently distressing. It is a “healthy capacity to tune into your inner world”—a “constructive and creative quality that is found in many independent thinkers whose contributions have enriched the world.”¹⁰⁴

3. INTROVERSION AS A COUNTERBALANCE TO THE TRIPARTITE CRISIS

The tendencies, traits, and skills that accompany introversion stand in direct opposition to the practices and qualities that have led to the current crisis in the legal profession. True reform requires expanding our idea of what a lawyer looks like and what qualities are essential to the practice of law. Embracing introverted traits, which include heightened empathy and strict morality, collaborative leadership and negotiation styles, complex problem-solving skills, and disinterest in external rewards, can trigger profession-wide reform. Of course, not all introverts possess all of these qualities, and these qualities are not exclusively found in introverts. But, as hallmarks of introversion, they illustrate the importance and necessity of accepting lawyers just as they are. By encouraging an *authentic style of advocacy* in introverted lawyers—and all those who do not fit the traditional lawyer mold—we can begin to heal and transform the profession.

In order to set the wheels of change in motion, it is important to recognize the value that introverts bring to the practice of law and how introverted traits can

98. *Id.* at 3.

99. *Id.*

100. *Id.* at 16.

101. *See id.* at 18.

102. *Id.* at 17.

103. DEANNA L. WALKER, THE WILEY ENCYCLOPEDIA OF PERSONALITY AND INDIVIDUAL DIFFERENCES: MODELS AND THEORIES 160 (Bernardo J. Carducci, Christopher S. Nave, Jeffrey S. Mio & Ronald E. Riggio eds., 2020) (“The robust presentation of the extraversion-introversion dimension links back to its genetic basis and physiological processes underlying its considerable presentation in cultures all around the world.”); Moshe Zeidner, *Personality Trait Correlates of Intelligence*, in INTERNATIONAL HANDBOOK OF PERSONALITY AND INTELLIGENCE, *supra* note 60, at 299, 309; Donna K. Hobgood, *ABO B Gene Is Associated with Introversion Personality Tendencies Through Linkage with Dopamine Beta Hydroxylase Gene*, 148 MED. HYPOTHESES 1, 1–2 (Mar. 2021); LANEY, *supra* note 47, at 50 (discussing studies of identical twins, which confirm that “we are born with an innate temperament”); CANDACE B. PERT, MOLECULES OF EMOTION: THE SCIENCE BEHIND MIND-BODY MEDICINE 124 (1997) (describing “temperament [as] being genetically based, so that we’re generally stuck with it (give or take certain modifications) for a lifetime”).

104. LANEY, *supra* note 47, at 72.

counteract the tripartite crisis. First, introverts have the power to offset the unethical and unprofessional behavior that has become widespread in the legal profession. Statistically speaking, introverted lawyers are less likely to engage in unethical behavior.¹⁰⁵ Research confirms that introverts experience more intense feelings of guilt and have stronger consciences than the general population.¹⁰⁶ By age four, for example, introverts are “less likely than their peers to cheat or break rules, *even when they think they can’t be caught*. And by six or seven, they’re more likely to be described by their parents as having high levels of moral traits such as empathy.”¹⁰⁷ Indeed, introverts are also inherently more empathetic. As Heidi Brown explains, “[a]n attorney’s capacity for empathy and intellectual humility through listening to others can be a transformational tool [and is] . . . ‘well suited to the introvert temperament.’”¹⁰⁸ Armed with this heightened sense of empathy, introverted lawyers have the power to improve lawyer-client relations, which can, in turn, engender more ethical and professional behavior in the legal profession overall.¹⁰⁹

Second, introverted lawyers are well-poised to reverse the negative public perception of the legal profession. Introverts tend to employ collaborative leadership and negotiation styles,¹¹⁰ which creates a counterimage to the domineering lawyer archetype. This collaborative orientation, particularly in a negotiation context, defies the public perception that lawyers are excessively litigious and competitive. Introverts also tend to be indifferent to external rewards,¹¹¹ which contradicts the stereotype that lawyers are money- and power-hungry. In addition to creating an alternative image of what it means to be a lawyer, introverts excel at complex problem solving.¹¹² Experts have found that lawyers’ tendency to identify issues—but not necessarily solve problems—creates a major disconnect between lawyers and their clients.¹¹³ Introverted lawyers, however, are better poised to provide solutions to seemingly complex problems.¹¹⁴

105. Zeidner, *supra* note 103, at 309 (“[I]ntroverts tend to direct much of their psychic energy inward, being quite introspective, slow at establishing contacts, reliable, pessimistic, and moralistic.”); Elaine N. Aron & Arthur Aron, *Sensory-Processing Sensitivity and Its Relation to Introversion and Emotionality*, 73 J. PERSONALITY & SOC. PSYCH. 345, 365 (1997) (discussing the correlation between “high sensitivity” and “moral-social sensitivity”); CAIN, *supra* note 32, at 140–41.

106. CAIN, *supra* note 32, at 140–41.

107. *Id.*

108. BROWN, *supra* note 27, at 42 (quoting JENNIFER B. KAHNWEILER, *QUIET INFLUENCE: THE INTROVERT’S GUIDE TO MAKING A DIFFERENCE* (2013)).

109. See generally Katherine R. Kruse, *Engaged Client-Centered Representation of the Moral Foundations of the Lawyer-Client Relationship*, 39 HOFSTRA L. REV. 577 (2011).

110. CAIN, *supra* note 32, at 57.

111. *Id.* at 11.

112. BROWN, *supra* note 27, at 46.

113. Cohen, *supra* note 19 (“Another reason why lawyers are unpopular is because they excel at issue identification but are less adept at providing solutions. . . . [C]lients want solutions, not an exhaustive list of issues.”).

114. BROWN, *supra* note 27, at 46 (“Introverts can demonstrate remarkable creativity, not only in legal research, but in developing solutions to seemingly insurmountable challenges.”).

Third, embracing introverted lawyers will increase mental health in the legal profession overall. Career dissatisfaction is one of the most prevalent causes of mental distress among lawyers.¹¹⁵ Because introverts tend to be intrinsically motivated, they are more likely to be satisfied in their careers.¹¹⁶ But they cannot capitalize on this tendency in a profession that accepts only a narrow range of personality styles. By embracing personality differences, the legal profession can unlock introverts' tendency toward intrinsic motivation and increase tolerance of differences in general. A more inclusive profession is a happier, healthier profession. As Heidi Brown has noted, "[t]he greater number of quiet lawyers whom we encourage to set an example of living authentic lives, the healthier our legal profession will become."¹¹⁷ Indeed, introverts can "[c]hange the profession, and impact our legal system, nation, and world."¹¹⁸

II. THE SETTING

Introverts must navigate a path that is not built for them, despite the valuable qualities they bring to the practice of law. At every juncture, introverts face a system that emphasizes extroverted traits and undervalues introversion. As a standardized test that rewards speed over thoughtfulness, the Law School Admission Test ("LSAT") disfavors introverts and their slow, careful way of processing information. Law school continues this trend through the Socratic method and timed exams, both of which encourage quick thinking and off-the-cuff responses.

The law school admissions process and teaching methods set the stage for a professional culture that undervalues introverted qualities to its detriment. By the time they enter the profession, young lawyers have received repeated messages about the way a lawyer should look and act. Those messages discourage introverted lawyers from developing an authentic style of advocacy grounded in their natural strengths.

A. LAW SCHOOL ADMISSION

Increasingly, experts have begun to question whether the law school admissions process is "sufficiently sensitive to the need for a broader range of personality types and a broader range of professional skills and capacities to fill the many diverse roles lawyers play in our society."¹¹⁹ Many believe the criteria used by admissions councils "fall far short in assessing [the] requisite skills" in the legal profession.¹²⁰ Law school admission is based largely on the LSAT, a standardized

115. Daicoff, *supra* note 7, at 588.

116. Nancy J. Soonpaa, *Stress in Law Students: A Comparative Study of First-Year, Second-Year, and Third-Year Students*, 36 CONN. L. REV. 353, 371 (2003–04) ("Law students with an intrinsic motivation to become lawyers are happier than those with extrinsic motivations.").

117. BROWN, *supra* note 27, at 173.

118. *Id.*

119. Goldfien, *supra* note 26, at 191.

120. Jolly-Ryan, *supra* note 24, at 119.

test given under extreme time pressure. Because of the way they process information, introverts are at a particular disadvantage in the law school application process. At best, introverted applicants are left feeling inadequate. At worst, the process risks weeding introverts out altogether—not because they are unequipped to be lawyers, but rather, because the admissions process selects for extrovert-leaning skills that are unrelated to the practice of law.

1. THE LSAT

Admission to law school is, and historically has been, based primarily on the LSAT.¹²¹ An applicant's LSAT score is the single most important factor that admissions councils consider when evaluating law school applications.¹²² For that reason, law school professor and legal scholar William Henderson has dubbed the law school admission process “an LSAT arms race.”¹²³ Henderson, whose research principally focuses on empirical analyses of the legal profession, explains that this fixation on the LSAT extends beyond the admissions process itself and is “integrally related to the ranking of law schools by the U.S. News and World Report.”¹²⁴ These rankings, he has found, move in virtual lockstep with schools' median LSAT scores. Therefore, not only do students compete for better LSAT scores, but schools compete for higher median LSAT scores. The LSAT, in other words, is used as a proxy for merit at the individual level and for prestige at the institutional level.

Although the LSAT purports to measure reasoning ability, research indicates that individual variations in LSAT scores are based primarily on test-taking speed. Because law school exams are typically given under time pressure, the LSAT is, in fact, a good predictor of success in law school.¹²⁵ But Henderson's research reveals that “a significant portion of the predictive power of the LSAT appears to be based on differences in test-taking speed rather than reasoning ability.”¹²⁶ And while “it may be intuitively appealing to assume that speed is simply a component of a candidate's underlying reasoning ability,” Henderson explains,

121. See William D. Henderson, *The LSAT, Law School Exams, and Meritocracy: The Surprising and Undertheorized Role of Test-Taking Speed*, 82 TEX. L. REV. 976, 977 (2004); see also Ilana Kowarski, *What Is a Good LSAT Score?*, U.S. NEWS & WORLD REP. (Feb. 18, 2021), <https://www.usnews.com/education/best-graduate-schools/top-law-schools/articles/what-is-a-good-lsat-score> [<https://perma.cc/2RYT-D2N7>] (“[M]any experts say that the LSAT is the most important aspect of a law school application and the biggest factor in J.D. admission decisions.”).

122. 4 *LSAT Prep Myths Holding You Back*, PRINCETON REV., <https://www.princetonreview.com/law-school-advice/lSAT-myths> [<https://perma.cc/F79P-CZ4R>] (last visited Apr. 13, 2022) (“Your LSAT score is the most important element of your law school application, even if you have a great academic background and GPA.”).

123. Henderson, *supra* note 121, at 977.

124. *Id.*

125. *Id.* at 1044 (“The major implication that flows from the data is that the legal academy's heavy reliance on time-pressured law school exams has the effect of increasing the predictive validity of the LSAT.”).

126. *Id.* at 981.

“this view lacks empirical support.”¹²⁷ Henderson’s work illustrates that the LSAT’s predictive value is limited to *timed law school exams*.¹²⁸ In contrast, it is a “weak predictor” of performance on take-home tests and papers, which are arguably more analogous to the practice of law.¹²⁹ Based on a detailed assessment of core competencies in the legal profession, Henderson found that the “‘speed’ or mental quickness” measured by the LSAT (and timed exams) is “completely *unrelated* to oral skills that are prized within the courtroom”¹³⁰ or “efficiency in generating a quality written work product.”¹³¹ Not only does the LSAT fail to measure key lawyering skills, but evidence also suggests that “ethnic subgroups, particularly Hispanics and African Americans, may be disproportionately affected by a speededness component on the LSAT.”¹³²

The pressure to fit a certain mold is set in motion by the LSAT. Historian Malcolm Gladwell produced a podcast series in which he examined the validity of using the LSAT as a proxy for success as a lawyer.¹³³ In the series, Gladwell interviews Lily Knezevich, the Senior Vice President of Learning and Admission for Law School Admission Council, about the LSAT’s time constraints. When asked why test-takers cannot start the next section if they finish a section early, Knezevich explains, because “then you’d get more time for that next section than the person next to you.”¹³⁴ But, as Gladwell notes, “[b]eing efficient in law school is about time management.”¹³⁵ “If I’m a fast reader but a slow writer,” he retorts, “I have a different balance than if I’m a fast writer and a slow reader . . . [every-one has] a different set of skills, but why are you pushing us all into the same cookie-cutter?”¹³⁶ Different practice areas and professional roles require different skills. Some require the kind of speed that the LSAT measures, but others do not. Clerking for an appellate court, for example, typically requires slow reading and meticulous attention to detail. Tali Farhardian, who clerked for Justice Sandra Day O’Connor,¹³⁷ tells Gladwell that reading certiorari petitions for the U.S. Supreme Court “is slow reading territory.”¹³⁸ “[T]he details matter,” “the arguments are intricate,” and “the solutions are difficult,” Farhardian explains; “[y]ou have to think while you read.”¹³⁹ The LSAT tests reading comprehension skills

127. *Id.* at 979.

128. *Id.*

129. *Id.* at 1044.

130. *Id.* at 1038.

131. *Id.* at 1035.

132. *Id.* at 1027.

133. See, e.g., Malcolm Gladwell, *Puzzle Rush*, REVISIONIST HIST. (June 20, 2019) (downloaded using Apple Podcasts); Malcolm Gladwell, *The Tortoise and the Hare*, REVISIONIST HIST. (June 27, 2019) (downloaded using Apple Podcasts).

134. Gladwell, *The Tortoise and the Hare*, *supra* note 133, at 20:31–20:42.

135. *Id.* at 20:49–21:53.

136. *Id.* at 20:59–21:26.

137. *Id.* at 10:43–10:46.

138. *Id.* at 11:55–11:57.

139. *Id.* at 12:32–12:34.

and rewards test-takers who “process the information; not understand it.”¹⁴⁰ There are certainly situations where the ability to skim and quickly process information is an enormous asset. But there are just as many situations that demand a slower, more thorough work style.

The LSAT, Gladwell concludes, favors the hare over the tortoise. His work, viewed in conjunction with Henderson’s psychometrics research, suggests that the LSAT’s time constraint is ultimately arbitrary. Gladwell and Henderson both speculate that the *real* purpose of the LSAT is to take some of the burden off law school admissions councils. LSAT scores provide a quick, easy way of sifting through applications.¹⁴¹ This is not at all to suggest law schools are careless or lazy. To the contrary, schools likely believe they are being efficient by relying on LSAT score as a predictor of student success. And, as discussed above, they are correct: the LSAT *does* correlate to success in law school. The problem is that success in law school *does not* correlate to success as a lawyer.¹⁴² The end result of this overreliance on the LSAT is a profession full of hares, and tortoises *pretending to be hares*. By maintaining the barrier that prevents tortoises from entering the profession as their authentic selves, we do a great disservice to the legal field and those whom it serves.

2. IMPACT ON INTROVERTS

As tortoises, introverts are inherently at a disadvantage in the law school admissions process. Because the LSAT is based only on the number of correct answers, “test takers have an incentive to rapidly guess on all unreached items before time expires, or to adopt pacing strategies that compromise accuracy in order to attempt more test items.”¹⁴³ Thus, the LSAT favors test takers who are both fast and unafraid to take risks. Introverts, however, tend to work slowly and to be risk averse.¹⁴⁴ Not all introverts are necessarily tortoises, but given the traits associated with introversion, many probably are. Although there are no known statistics on the relative LSAT scores of introverts and extroverts, it is reasonable to assume that introverts, as hares, will tend to perform less well on the LSAT.¹⁴⁵

140. *Id.* at 10:17–10:31.

141. *Id.* at 25:42–26:09.

142. Richard O. Lempert, David L. Chambers & Terry K. Adam, *Michigan’s Minority Graduates in Practice: The River Runs Through Law School*, 25 L. & SOC. INQUIRY 395, 401 (2000) (“LSAT scores and UGPA scores, two factors that figure prominently in admissions decisions, correlate with law school grades, but they seem to have no relationship to success after law school.”); Marjorie M. Shultz & Sheldon Zedeck, *Predicting Lawyer Effectiveness: Broadening the Basis for Law School Admission Decisions*, 36 L. & SOC. INQUIRY 620, 620 (2011) (“[A]lthough predictive of first year law school grades, [the LSAT and UGPA] make no effort to predict professional competence and, for the most part, [do] not.”).

143. Henderson, *supra* note 121, at 991.

144. CAIN, *supra* note 32, at 168.

145. Cf. William Revelle, Phyllis Amaral & Susan Turiff, *Introversion/Extroversion, Time Stress, and Caffeine: Effect on Verbal Performance*, 192 SCIENCE 149, 149 (finding time pressure compromised introverts’ performance on verbal ability tests similar to the Graduate Record Examination); Beatrice Rammstedt, Clemens M. Lechner & Daniel Danner, *Relationships Between Personality and Cognitive Ability: A Facet-*

Those with lower LSAT scores do not get accepted into top-tier schools.¹⁴⁶ And those who do not attend top-tier schools are at a competitive disadvantage for post-law-school jobs.¹⁴⁷ This ripple effect is encapsulated in a speech given at American University by the late Justice Antonin Scalia.¹⁴⁸ In discussing how he selected his law clerks, Justice Scalia explained:

I can't afford a miss. I just can't. So I'm going to be picking from the law schools that, basically, are the hardest to get into. They admit the best and the brightest and they may not teach very well, but you can't make a sow's ear out of a silk purse. And if they come in the best and the brightest, they're probably going to leave the best and the brightest.¹⁴⁹

In the same breath though, Scalia described his favorite clerk, Jeff Sutton, who was a tortoise and attended Ohio State University.¹⁵⁰ But Sutton, Scalia admitted, was not actually *his* clerk—he was Justice Lewis Powell's clerk.¹⁵¹ "I wouldn't have hired Jeff Sutton," Scalia scoffed, "For God's sake, he went to Ohio State. And he's one of the very best law clerks I ever had. He's just a brilliant guy."¹⁵² Gladwell perfectly summarizes the hypocrisy and prejudice embedded in Scalia's statements:

A sitting Supreme Court Justice explains to a group of law school students that he will not consider them for a job that involves being a tortoise because they have failed to shine at a test that measures their ability to be a hare. And even as he says that, he concedes that one of the best of his former clerks was a tortoise who also did not shine at a test that measured his ability to be a hare.¹⁵³

Sutton is, by his own admission, a tortoise.¹⁵⁴ And as a tortoise, he inevitably possesses a number of introverted traits—like a slow, deliberate work style—that decreased his chances of getting a high LSAT score. By relying almost exclusively on the LSAT, law schools risk missing out on tortoises like Jeff Sutton, who now sits on the Sixth Circuit Court of Appeals. Sutton was one of the lucky

Level Analysis, 6 J. INTEL. 1, 1 (2018) ("[S]ome studies have reported that extraverts performed better on timed tasks, whereas introverts tended to score higher on tasks requiring insight and reflection.").

146. Cf. Shultz & Zedeck, *supra* note 142, at 621 ("The practices that govern who is admitted into law school play a decisive role in the composition and performance of the legal profession.").

147. Ilana Kowarski, *Why Big Law Firms Care About Which Law School You Attend*, U.S. NEWS & WORLD REP. (Aug. 1, 2018), <https://www.usnews.com/education/best-graduate-schools/top-law-schools/articles/2018-08-01/why-big-law-firms-care-about-which-law-school-you-attend> [<https://perma.cc/SWLX-H73M>].

148. Gladwell, *The Tortoise and the Hare*, *supra* note 133, at 0:03–0:12.

149. *Id.* at 2:58–3:38.

150. *Id.* at 8:24–8:39.

151. *Id.* at 5:04–5:27.

152. *Id.*

153. *Id.* at 13:05–13:42.

154. *Id.* at 6:50–6:57, 8:24–8:39 (Gladwell: "I didn't ask Judge Sutton what his LSAT score was, but we can do the math. . . . So, Sutton is in the category of brilliant person who didn't do all that well on the LSAT. What does that make him? It makes him a tortoise.").

ones who slipped through the cracks. But his story is the exception. There is no telling how many gifted tortoises are passed up by admissions councils or overlooked by legal employers because of their LSAT scores. Many more may have been discouraged from even applying to law school at all.

B. LEGAL EDUCATION

In addition to the biases inherent in the law school admission process, legal education itself is also tailored to a particular way of thinking and learning. “The truth is that many schools are designed for extroverts.”¹⁵⁵ As education scholars Jill Burruss and Lisa Kaenzig have explained, “[i]ntroverts need different kinds of instruction from extroverts,” but “too often, ‘very little is made available to that learner except constant advice on becoming more social and gregarious.’”¹⁵⁶ This observation certainly holds true for law school. Indeed, the legal education system is dominated by the Socratic method and timed exams—both of which are geared toward extroverts. Meanwhile, introverts are left to sink or swim in a system that is not, and never was, intended for them.

1. THE SOCRATIC METHOD

The Socratic method has long been considered an integral part of legal education, a rite of passage that all law students must endure.¹⁵⁷ The Socratic method is a teaching technique where the professor calls on students at random (i.e., “cold calling”) to answer questions about the class material. Often, the professor will push back, ask follow-up questions, or pose a hypothetical in response to students’ answers. Proponents of this method claim that it develops important oral advocacy skills and teaches students to think on their feet.¹⁵⁸ Many professors use it as a way to ensure students come to class prepared, assuming that only those who are unprepared will struggle to answer the questions posed to them. Socratic professors are often quick to criticize students’ answers, which they believe trains students “to confront the weaknesses of each position” on their own.¹⁵⁹ “[T]he

155. CAIN, *supra* note 32, at 253 (quoting College of William and Mary education scholars Jill Burruss and Lisa Kaenzig).

156. *Id.*

157. See, e.g., Ilana Kowarski, *What Is the Socratic Method That Law Schools Use?*, U.S. NEWS & WORLD REP. (Apr. 4, 2019), <https://www.usnews.com/education/best-graduate-schools/top-law-schools/articles/2019-04-04/what-is-the-socratic-method-and-why-do-law-schools-use-it> [<https://perma.cc/J5CV-3TZC>]; Victoria L. VanZandt, “Thinking Like Lawyers” in the Online Environment: Students’ and Faculty Members’ Perceptions of Using the Socratic Method in an Online J.D. Course 175 (May 2021) (unpublished Ph.D. dissertation, University of Dayton) (“[R]esults from this study demonstrate that the Socratic method continues to be the expected pedagogy in law school doctrinal classes by both faculty and students.”); Jamie R. Abrams, *Reframing the Socratic Method*, 64 J. LEGAL EDUC. 562, 563–64 (2015) (“The Socratic method persists and endures in law teaching, even while it is increasingly surrounded by innovation and its use is declining,” and it “will continue in legal education for the immediate and foreseeable future.”).

158. BROWN, *supra* note 27, at 28.

159. Orin S. Kerr, *The Decline of the Socratic Method at Harvard*, 78 NEB. L. REV. 113, 117 (1999).

risk of being questioned,” many believe, “induces all students in a large classroom to participate vicariously in an exploration of the strengths and limits of legal arguments.”¹⁶⁰ Today, many professors use gentler versions of the Socratic method: announcing students who are on-call at the beginning of class, allowing students a certain number of “off-call” days throughout the semester, or calling on students in pairs.

Even in its gentler forms, though, the Socratic method used in law school classrooms today “often scars students for life.”¹⁶¹ At best, the method is ineffective and grounded in assumptions that all students learn in the same way. For many students the mere “possibility that they will be called on can be incapacitating.”¹⁶² Instead of listening to the content of the classroom discussion, many students spend the entire class trying to anticipate what the professor might ask next. At its worst, the Socratic method is “cruel and psychologically abusive,” subjecting students to “public degradation, humiliation, ridicule, and dehumanization.”¹⁶³ “Professors expect immediate responses based on the assumption that the student on-call has completed the assigned reading and prepared adequately for class.”¹⁶⁴ And “the overall tenor can be competitive and judgmental.”¹⁶⁵ It is not unheard of for students to become physically ill or vomit in class.¹⁶⁶ One prominent Harvard professor has been quoted as saying, “[n]o one has ever died because of the Socratic method.”¹⁶⁷ But, as Heidi Brown aptly asks, “[i]s this really the appropriate standard of care?”¹⁶⁸

The so-called “Socratic” method, it turns out, is a far cry from Socrates’ original method. In reality, Socrates’ dialogues were personal and individualized.¹⁶⁹ He “did his work not in a classroom but one-on-one with [his] students.”¹⁷⁰ Scholar Ronald Gross explains that Socrates himself was a “slow, careful thinker.”¹⁷¹ When Socrates engaged people in dialog, he often had to ask them “to slow down so that he could understand what they were saying.”¹⁷² “Socrates would explain that he was not as quick as everyone else but needed to back up

160. *Id.* at 116–17.

161. *Id.* 118.

162. *Id.*

163. *Id.*

164. BROWN, *supra* note 27, at 27.

165. *Id.*

166. See, e.g., Anne M. Coughlin & Molly Bishop Shadel, *The Gender Participation Gap and The Politics of Pedagogy*, 108 VA. L. REV. 55, 63 (2022) (“[The Socratic method] can also cause intense anxiety in students, which can obstruct their ability to learn. It can reinforce pernicious hierarchies. It can be used to inflict harm.”); Karen Sloan, *Want Happy Law Students? Ditch the Curve and the Cold Calls*, AM. LAW. 1, 1–3 (July 7, 2021).

167. Kerr, *supra* note 159, at 127. But see Abrams, *supra* note 157, at 566 (“[The Socratic method] has been attributed to the general malaise and depression of modern law students.”).

168. Brown, *supra* note 73, at 300.

169. See RONALD GROSS, *SOCRATES’ WAY: SEVEN KEYS TO USING YOUR MIND TO THE UTMOST* 40 (2002).

170. *Id.* at 233 (quoting Linda Meyer, founder of Meyer Learning Center in Denver).

171. *Id.* at 37.

172. *Id.*

and proceed more slowly.”¹⁷³ For this reason, Gross believes that “Socrates would not have done very well on the kinds of tests used to measure thinking ability for students today.”¹⁷⁴ On a time-pressured exam, Gross speculates: “Socrates would have taken one look and said, ‘Let’s look more closely at Question #1. I have some problems with the way it’s formulated. Could you explain what you mean by the key terms? I wonder whether *any* of the proposed choices are really valid.’”¹⁷⁵ Beyond his own contemplative style of thinking, Socrates also believed that “the people with the instant answers hadn’t really thought things through.”¹⁷⁶ He did not question for the sake of questioning¹⁷⁷ or to make people look silly.¹⁷⁸ He questioned because he wanted to learn from the ways other people thought and saw the world.¹⁷⁹ Even as he challenged their answers, Socrates “made the people he questioned, and cross-questioned, feel important, and he seemed to find their answers valuable.”¹⁸⁰ But “in the wrong hands,” Gross cautions, “the Socratic method can be abused, as exemplified by the tyrannical law professor . . . who drives students to despair with his relentless and destructive questioning.”¹⁸¹

2. TIMED EXAMS AND CURVE GRADING

Another common teaching tool in law schools is the timed exam. The typical law school examination is a single, timed, two-to-four-hour essay test given at the end of the semester “on which most or all of the course grade is based.”¹⁸² Despite the move toward take-home exams, papers, and experiential classes in recent years, timed exams remain the primary mode of assessment.¹⁸³ Because these timed exams are often the sole measure of performance, students are “deprive[d] . . . of the opportunity to learn from their mistakes until it is much too late.”¹⁸⁴ The “lack of feedback causes law students to suffer a loss of values and positive sense of self, and also hinders learning.”¹⁸⁵ Furthermore, the typical essay exam is “designed to measure acquired legal knowledge and analytical

173. *Id.* at 96.

174. *Id.* at 37.

175. *Id.*

176. *Id.*

177. CHRISTOPHER PHILLIPS, *SOCRATES CAFÉ: A FRESH TASTE OF PHILOSOPHY* 200 (2001).

178. *Id.* at 208

179. *Id.* at 200.

180. PAUL JOHNSON, *SOCRATES: A MAN FOR OUR TIMES* 79 (2011).

181. GROSS, *supra* note 169, at 65.

182. Robert C. Downs & Nancy Levit, *If It Can't Be Lake Woebegone . . . A Nationwide Survey of Law School Grading and Grade Normalization Practices*, 65 U. MO. KAN. CITY L. REV. 819, 822–23 (1997).

183. See Beth Parker, *Law School Exams During a Pandemic: One Law School's Experience*, 11 SEATTLE J. TECH., ENV'T. & INNOVATION L. 61, 61–62 (2020) (“Law school exams are taken anonymously, on specific days and times, and under timed conditions. . . . Law schools impose timed conditions both to help create grading curves which produce variation among testing scores and to measure the students’ productivity.”).

184. Jolly-Ryan, *supra* note 24, at 110–11.

185. *Id.* at 111.

ability”—constructs that are “presumably relevant to the practice of law.”¹⁸⁶ But as mentioned above, experts have found that timed exams “skew measures of merit in ways that have little theoretical connection to the actual practice of law.”¹⁸⁷ Lawyers, of course, work under time pressure, but research indicates that the time pressure of in-class exams does not accurately reflect the practice environment.¹⁸⁸ According to Henderson, “a student response on an in-class exam is unlikely to resemble the type of work product that could be relied upon by a client, another lawyer, or a court.”¹⁸⁹ Henderson believes that “papers and take-home exams are a much closer analogue to the practice of law, in terms of both time pressure and the creation of a final work product that might be relied upon by a client, another lawyer, or a court.”¹⁹⁰ And indeed, his research confirmed that students’ relative performance on timed exams depends largely on their test-taking speed, rather than their preparation or knowledge.¹⁹¹ In one study, a professor gave the same exam to two groups of students, one of whom took it under time pressure while the other took it as an untimed, take-home exam.¹⁹² The timed exams, he found, produced a much broader distribution of grades than the take-home exams.¹⁹³ This, Henderson believes, is the real reason for schools’ continued reliance on timed exams: stringent time limits generate more graded grading curves.¹⁹⁴

Most law schools grade on a curve, meaning that grades are adjusted to reflect a desired distribution.¹⁹⁵ Students are graded relative to their peers. In theory, grading on a curve is intended to standardize students’ grades and ensure equity. But in practice, this system “create[s] and intensif[ies] a competitive atmosphere.”¹⁹⁶ According to the New York Times, curve grading “creates a hypercompetitive culture” at best, “and at worst, it sends students the message that the world is a zero-sum game: [y]our success means my failure.”¹⁹⁷ Research confirms that this system encourages competitive relationships among law students¹⁹⁸ and “contributes to emotional distress.”¹⁹⁹ Beyond its effects on students, curve grading engenders a culture of competition within the legal profession

186. Henderson, *supra* note 121, at 996.

187. *Id.* at 976.

188. *Id.* at 996–97.

189. *Id.*

190. *Id.* at 982.

191. *See id.* at 1043.

192. *Id.*

193. *Id.*

194. *See id.* at 1043–44.

195. *See generally* Downs & Levit, *supra* note 182.

196. *Id.* at 896.

197. Adam Grant, *Why We Should Stop Grading Students on a Curve*, N.Y. TIMES (Sept. 10, 2016), <https://www.nytimes.com/2016/09/11/opinion/sunday/why-we-should-stop-grading-students-on-a-curve.html> [https://perma.cc/367Z-F4KQ].

198. *See* Daicoff, *supra* note 7, at 572–73.

199. *See* Daicoff, *supra* note 21, at 1415.

overall. Students leave law school “prepared to accept and maintain a society that values competition as a basis for distributing wealth and a society in which the terms of the competition are set by those who have won in the past.”²⁰⁰

As a result of these teaching methods and the culture they engender, law students experience a grossly disproportionate level of stress and mental health issues. Countless studies confirm that “[s]tress levels increase throughout the endurance of law school.”²⁰¹ When they enter school, students’ mental health is on par with the national average.²⁰² “However, symptoms of psychiatric distress increase significantly, to a level higher than the mean for the normal population, during the first year of law school[,] . . . progressively increase throughout law school[,] and do not abate during the first two years of practice following graduation.”²⁰³ In fact, law students exhibit higher levels of stress and anxiety than graduate students in any other field, including medical students.²⁰⁴

3. IMPACT ON INTROVERTS

While all law students suffer from significant stress, introverted students are particularly vulnerable because law school teaching, evaluation, and grading methods run contrary to their nature.²⁰⁵ It is no secret that most students detest the Socratic method, but for introverts, this aversion goes beyond the fear of a “bad” cold call.²⁰⁶ The Socratic method is at odds with the very way introverts process information and learn.²⁰⁷ “While extroverts comfortably shape budding answers by speaking aloud,” the Socratic method “does not allow room for the typical introvert’s most effective mode of learning or analytical processing: deep internal thinking rather than spontaneous volley.”²⁰⁸ In effect, the Socratic Method “pressures students to act like extroverts.”²⁰⁹ Like Socrates himself,²¹⁰ introverts need to let ideas percolate before articulating them.²¹¹ Once they have formulated their thoughts, introverted students contribute valuable insight to the classroom discussion. Similarly, Socrates was known to sit outside parties, “‘centering’ [himself] before engaging in a dialogue.”²¹² “He would often take time to get in touch with

200. Downs & Levit, *supra* note 182, at 897.

201. Muriel Collins, Time to Make It Personal: How Personality Testing in Law Schools Can Improve Lawyer Well-Being 22 (Jan. 24, 2021) (unpublished manuscript), <https://ssrn.com/abstract=3772461> [<https://perma.cc/7676-8J5D>]; see also Soonpaa, *supra* note 116, at 377–78.

202. See Daicoff, *supra* note 21, at 1355.

203. *Id.* at 1378.

204. See Soonpaa, *supra* note 116, at 359, 374.

205. See Daicoff, *supra* note 21, at 1414–15.

206. See Brown, *supra* note 73, at 305.

207. BROWN, *supra* note 27, at 29.

208. *Id.* at 28–29.

209. *Id.* at 27.

210. GROSS, *supra* note 169, at 136–38.

211. BROWN, *supra* note 27, at 9.

212. GROSS, *supra* note 169, at 97.

what he really thought and felt about the subject.”²¹³ But the Socratic method that continues to permeate law school classrooms today does not allow for internal contemplation before articulation. Introverted law students can be misjudged by professors “as ill-equipped for the practice of law—a serious misperception.”²¹⁴ A Washington Post article cautions that “[t]here are potentially grave consequences for students when teachers do not understand their silence as a form of participation.”²¹⁵ Even though they are actively engaged in learning, students who are silent might receive low grades for class participation, which is often the only other factor professors consider besides the final exam.²¹⁶ But the internal consequences for these students can be far more damaging. The continued reliance on the Socratic method sends a message that speaking on-the-fly in front of a large audience is a crucial lawyering skill. In reality, public speaking skills are really only relevant for litigators. And even litigators spend a greater percentage of their time in small meetings with clients and other attorneys.²¹⁷ One-on-one communication—an introverted skill—spans many segments of the legal profession. But because of the emphasis on public speaking, introverted students are often left feeling inadequate and unfit to be lawyers.²¹⁸ For many introverted students, no number of cold calls will acclimate them to the Socratic method. It simply runs counter to their learning style.

Timed exams also stand in direct opposition to introverts’ natural tendencies.²¹⁹ Research confirms that extroverts do better on time-pressured tasks and multitasking in part because they are better at handling information overload.²²⁰ Introverts think more carefully than extroverts, but their “reflectiveness uses up a lot of cognitive capacity.”²²¹ While extroverts allocate almost one hundred percent of their cognitive capacity to the goal at hand, introverts dedicate about twenty-five percent of their capacity to monitoring how the task is going and the other seventy-five percent to completing the task itself.²²² In legal practice, being able to monitor progress while simultaneously completing the task at hand is a crucial skill. It allows introverts to self-correct and learn from their mistakes in real time. Extroverts typically “[trade] accuracy for speed, making increasing

213. *Id.*

214. BROWN, *supra* note 27, at 28.

215. Valerie Strauss, *Why Introverts Shouldn't Be Forced to Talk in Class*, WASH. POST (Feb. 12, 2013), <https://www.washingtonpost.com/news/answer-sheet/wp/2013/02/12/why-introverts-shouldnt-be-forced-to-talk-in-class> [https://perma.cc/N3NM-ZTJF].

216. *Id.*

217. *Litigators Sound Off on Their Most Time-Consuming Task*, BLOOMBERG L. (Feb. 7, 2020), <https://pro.bloomberglaw.com/brief/litigators-sound-off-on-their-most-time-consuming-task> [https://perma.cc/C23J-FM45].

218. BROWN, *supra* note 27, at 28.

219. See Zeidner, *supra* note 103, at 299, 310.

220. CAIN, *supra* note 32, at 168.

221. *Id.*

222. *Id.*

numbers of mistakes as they go.”²²³ Introverts, by contrast, trade speed for accuracy, working more slowly but making far fewer errors.²²⁴ But both speed and accuracy are important.²²⁵ Efficiency, which should be the goal of any professional, requires both. Yet students who sacrifice speed for accuracy (and depth) are “clearly favored” on law school exams.²²⁶ Even though speed is only one half of the equation, it effectively becomes a proxy for merit.²²⁷ Additionally, as mentioned above, law students rarely receive feedback on their progress and thus have few, if any, opportunities to learn from their mistakes.²²⁸ Because of their tendency to self-monitor and self-correct, the lack of feedback is particularly distressing for introverts.²²⁹

Finally, research confirms that introverted law students “experience anxiety and other symptoms as a result [of] . . . conforming to the norm or resisting conformity.”²³⁰ Multiple studies have documented “masking” behavior—i.e., changing one’s natural personality to conform to social pressures—among law students in general.²³¹ In one particularly revealing study, researchers found “that the private personality of law students is at great variance with their public personality or persona.”²³² Based on documented discrepancies between the students’ public personalities and inner feelings, the researchers concluded: “[law students] wear a social mask and attempt to make a strong and definite impression on others; they act and react in great measure on the basis of the social role which they have adopted and which they feel is expected of them by society.”²³³

The pressure to mask is particularly overbearing for introverted law students, who are continually asked to adapt to an extrovert-centric environment.²³⁴ But

223. *Id.*; see also Zeidner, *supra* note 103, at 310 (Eysenck found that “extraverts opt for speed in experimental tasks whereas introverts opt for accuracy.”).

224. CAIN, *supra* note 32, at 168.

225. Henderson, *supra* note 121, at 1035 n.177 (“For example, a polished appellate brief or motion for summary judgment is often written over a period of weeks or months. Likewise, a client who has a complex tax problem or a high-stakes, corporate transaction is unlikely to want a speedy work product at the expense of accuracy. Thus, hundreds of billable hours are expended late into the night in an effort to eliminate potential errors. The prosecution of recent corporate scandals highlights the fact that some important legal issues are just not amenable to a speedy resolution.”).

226. *Id.* at 982 (“Students with fast test-taking speed are clearly favored on in-class exams . . . [but] it could certainly be argued that papers and take-home exams are a much closer analogue to the practice of law, in terms of both time pressure and the creation of a final work product that might be relied upon by a client, another lawyer, or a court.”).

227. *Id.*

228. Jolly-Ryan, *supra* note 24, at 111.

229. See CAIN, *supra* note 32, at 166–67.

230. Daicoff, *supra* note 21, at 1416.

231. See, e.g., Soonpaa, *supra* note 116, at 364 (Research “suggests a considerable variance between the private and public personalities of law students. Such a contrast between the inner and outer self and maintaining that inconsistent facade could itself be a stressor.”); Stephen Reich, *California Psychological Inventory: Profile of a Sample of First-Year Law Students*, 39 PSYCH. REP. 871 (1976).

232. Reich, *supra* note 231, at 873.

233. *Id.*

234. See BROWN, *supra* note 27, at 28.

masking is also “harder for introverts” because they “have trouble projecting artificial enthusiasm.”²³⁵ One of the hallmarks of introversion is an innate need for and devotion to authenticity.²³⁶ Regardless of whether they conform to or resist the pressure to mask, introverted law students are left feeling exhausted, stressed, depressed, anxious, and ashamed.²³⁷ Even those who resist often end up internalizing the message that their way of being is wrong and that extroversion is better.²³⁸ Pressure to conform to the norm causes introverts, in particular, “deep psychic pain.”²³⁹

C. LEGAL CULTURE

Although school may be responsible for the onset of law students’ mental health issues, “graduation does not end the stress associated with the law.”²⁴⁰ “The practices that govern who is admitted into law school,” and the process of law school itself, “play a decisive role in the composition and performance of the legal profession.”²⁴¹ As a result, our professional culture ends up mirroring law school in many ways. It is homogeneous in terms of personalities, encourages hyper-competitiveness, and discourages empathy and other soft skills. At the same time, the instructional and grading methods of law school do not mirror the actual practice of law. Law school may prepare students for the culture of the legal profession, but it does not prepare them for the reality of legal practice.²⁴²

At the outset, it is important to note that workplace culture varies—sometimes vastly—among different offices and practice areas. The culture in the public interest space, for example, will be different from the culture in private practice. Even within the same practice area, there are huge variations. Because there is much more variation in professional culture than in law school admission processes and instructional models, a full examination of “legal culture” in all its forms is beyond the scope of this Article. This section is only intended to provide a general overview of the most widespread issues. Most experts agree that,

235. CAIN, *supra* note 32, at 129.

236. See BROWN, *supra* note 27, at 58; CAIN, *supra* note 32, at 152.

237. BROWN, *supra* note 27, at 28.

238. *Id.* at 14 (quoting SOPHIA DEMBLING, *THE INTROVERT’S WAY: LIVING A QUIET LIFE IN A NOISY WORLD* 22 (2012)).

239. CAIN, *supra* note 32, at 6.

240. Soonpaa, *supra* note 116, at 372.

241. Shultz & Zedeck, *supra* note 142, at 621.

242. Henderson, *supra* note 121, at 1036 (“Imagine that a partner at a law firm calls a junior associate into his office at 8:00 am. He asks her to write a memo on an important legal issue. The partner clearly wants the memo quickly, but he fails to state a specific deadline. The associate then retreats to the library to research and write the memo. At 11:30 am, the associate is summoned to the partner’s office and asked for a draft. The associate hands over 10 pages that resemble a typical law school Blue Book exam. The analysis is starting to develop but the prose is awkward and the organization is poor. The partner sends the associate back to the library with the instructions, ‘make it better, not longer.’ At 5:00 pm, the associate is called back to the partner’s office and asked for a revised draft. Similar to an eight-hour take-home exam, the organization is easier to follow and the legal analysis is crisp and more compact.”).

despite variations among workplaces and practice areas, there are certain threads running through the wider “legal culture.”²⁴³ Those threads overwhelmingly favor extroverts.

1. HOMOGENEITY, HYPER-COMPETITIVENESS, AND ABSENCE OF EMPATHY

The legal profession is, by many measures, homogeneous. It is no secret that diversity—whether related to gender, sexuality, race, or personality type—“is conspicuously absent from the legal ecosystem, especially at its highest ranks.”²⁴⁴ A recent *Forbes* article noted that “[l]egal culture was forged by white, middle-aged lawyers for their peer group.”²⁴⁵ As a result, “[l]aw’s ethos is insular and its composition is homogeneous.”²⁴⁶ Indeed, “[f]or decades, the legal profession purposefully excluded women, religious minorities, and people of color from its ranks,” and “the vestiges of its discriminatory past continue to affect all corners of the profession” today.²⁴⁷ Countless scholars and researchers have attempted to unearth the reasons for this resistance to change and diversification. Some attribute the profession’s stagnation to “clear patterns of closed-system thinking” and an overall “low sense of urgency for change.”²⁴⁸ Others link it to the nature of the discipline itself, noting that “[l]egal analysis is precedent-based,” which “gives attorneys the false confidence to drive forward while focused on the rear-view mirror.”²⁴⁹

According to law professor and legal scholar Veronica Root Martinez, much of the problem is attributable to an insular culture that stifles diverse voices.²⁵⁰ Those who do not fit the lawyer stereotype are “often forced to silence themselves, their opinions, their views, and their experiences for fear of being labeled angry, troublesome, sensitive, or unwilling to be a ‘team player.’”²⁵¹ The resulting “shroud of silence” creates a self-fulfilling prophecy: without the aid of those

243. See generally Carrie Menkel-Meadow, *Is Altruism Possible in Lawyering?*, 8 GA. STATE U. L. REV. 385–419 (1992); BROWN, *supra* note 27; Mark A. Cohen, *Goodbye Guild—Law’s Changing Culture*, *FORBES* (2017), <https://www.forbes.com/sites/markcohen/2017/07/03/goodbye-guild-laws-changing-culture> [<https://perma.cc/UVG4-Q5WE>]; Krista Riddick Rogers, *Promoting a Paradigm of Collaboration in an Adversarial Legal System: An Integrated Problem Solving Perspective for Shifting Prevailing Attitudes from Competition to Cooperation Within the Legal Profession*, 6 BARRY L. REV. 137 (2006).

244. Cohen, *supra* note 243.

245. *Id.*

246. *Id.*

247. Veronica Root Martinez, *Combating Silence in the Profession*, 105 VA. L. REV. 805, 805 (2019).

248. Alexander Fruehmann, *Requiem and Epilogue for the Legal Profession: A Psychodynamic Investigation into the Undercurrents of a Profession in Radical Change* (Aug. 2020) (thesis for Executive Master in Consulting and Coaching for Change), https://www.researchgate.net/publication/345807893_Requiem_and_Epilogue_for_the_Legal_Profession_A_Psychodynamic_Investigation_into_the_Undercurrents_of_a_Profession_in_Radical_Change [<https://perma.cc/P5AP-B8JW>].

249. Randy Kiser, *Why Lawyers Can’t Jump: The Innovation Crisis in Law* (205), *LEGAL EVOLUTION* (Oct. 4, 2020), <https://www.legalevolution.org/2020/10/why-lawyers-cant-jump-the-innovation-crisis-in-law-205> [<https://perma.cc/B6D8-HWGC>].

250. See generally Martinez, *supra* note 247.

251. *Id.* at 806.

who are impacted directly by discrimination, leaders in the legal profession are unable to properly assess and address the full breadth of discriminatory conduct; yet, unless discriminatory conduct is properly addressed, the “impediments to exercising one’s voice” remain “vast and deeply ingrained.”²⁵² Thus, the bias against introversion has gone unchallenged for decades.

As Heidi Brown notes in a recent article, legal workplaces often lack an element of “psychological safety,” which refers to “a climate in which people are comfortable expressing and being themselves.”²⁵³ The lack of psychological safety breeds fear and homogeneity. “Instead of flying by their own professional lights, [lawyers] adopt bureaucratic measuring sticks to evaluate their worth and contribution” and “compromise their own values in the interest of meeting the expectations of the agency.”²⁵⁴ This, in turn, leads to “an insidious dissonance that sometimes slowly, sometimes quickly, erodes the fabric of one’s identity.”²⁵⁵ In addition, legal employers often fall victim to a phenomenon called “affinity bias.”²⁵⁶ Affinity bias refers to the tendency many people have to hire the applicants who are most similar to them, rather than hiring the individual who will be most successful at that particular office or firm. More often than not, firm partners and hiring managers “end up selecting people who are like [them]; not people who are like the successful attorneys.”²⁵⁷ But experts have consistently found that there is no correlation whatsoever between the initial assessment of a candidate and how well that candidate actually performs when hired.²⁵⁸ Thus, it is the lack of psychological safety and the prevalence of affinity bias—not merit—that continues to perpetuate the homogeneity in the legal profession.

Additionally, the legal profession, like law school, has a culture of hyper-competitiveness and excessive aggression. Many lawyers engage in win-at-all costs, overly aggressive “Rambo litigation tactics” in an effort to win cases and collect more legal fees.²⁵⁹ Although this trend is particularly salient for litigators, “a widespread competitive, adversarial mindset among lawyers” in general is “one of the major underlying issues contributing to the crisis within the legal profession.”²⁶⁰ Among non-litigators, this mindset “often manifests itself in intense competition for clients as well as gamesmanship-type tactics and overly aggressive unprofessional behavior.”²⁶¹ An ABA-sponsored study found that basic law school training “exclusively emphasizes competitive processes to the extent that

252. *See id.* at 806, 843.

253. Heidi K. Brown, *Fear and Lawyering*, ABA J. (May 1, 2019), <https://www.abajournal.com/magazine/article/fear-lawyering-psychological-safety> [<https://perma.cc/WN2T-YWKL>].

254. Norton, Johnson & Woods, *supra* note 31, at 996.

255. *Id.*

256. Gladwell, *The Tortoise and the Hare*, *supra* note 133, at 34:02–35:06.

257. *Id.* at 34:07–34:14.

258. *See id.* at 34:20–34:50.

259. Daicoff, *supra* note 21, at 1425.

260. Rogers, *supra* note 243, at 138.

261. *Id.*

they become the only goal”—the “net result [of which] is erosion of the very ability to make an ethical decision.”²⁶² The inverse relationship between competition and ethics continues to rear its head after law school. “As competition rises, so does the value of output. Numbers take on special importance and the ends come to justify the means.”²⁶³ “Recent graduates learn that the practice of law is a business.”²⁶⁴ Associates are pressured to bill as many hours as possible, even if it means fudging the numbers.²⁶⁵ Because of the growing emphasis on profit maximization, law firms spend more time on aggressive commercial tactics than mentoring associates.²⁶⁶ Regardless of their genesis, hyper-competitiveness and aggression are central features of legal culture.

Finally, many experts agree that the legal profession has become increasingly devoid of empathy. According to one scholar, “legal culture promotes self-seeking, selfish, individually maximizing behavior,” which reduces empathy and “sensitivity to our common humanity.”²⁶⁷ Legal practice, the culture tells us, “is supposed to be all about intellectual, mental, and physical toughness, strength, confidence and assertion—not emotional sensitivity.”²⁶⁸ Overall, empathy tends to be viewed as a weakness, rather than a strength in the legal profession. Lawyers “are generally known for their almost militant resistance to showing and accepting [even] their own emotions.”²⁶⁹ Then-President Barack Obama was heavily criticized for even describing empathy as an “essential” lawyering skill during his search for a Supreme Court Justice appointee.²⁷⁰ The view “that a judge should use his or her personal feelings about a particular group or issues to decide a case,” observed then-Senator Jeff Sessions, “stands in stark contrast to the impartiality that we expect in the American courtroom.”²⁷¹ Sessions’ remarks encapsulate a commonly-held belief that empathy is incompatible with the practice of law. Because “external motivation and fierce competition are integral to the educational culture,” students focus their attention on “the approval of instructors, grades, and class ranking (dopamine-driven activities), often at the expense of compassion, empathy, and other important components of social and emotional competence.”²⁷²

262. Lawrence S. Krieger & Kennon M. Sheldon, *What Makes Lawyers Happy? A Data-Driven Prescription to Redefine Professional Success*, 83 GEO. WASH. L. REV. 554, 568 (2015).

263. Norton, Johnson & Woods, *supra* note 31, at 995.

264. Maine, *supra* note 2, at 1075.

265. *Id.*

266. *Id.*

267. Menkel-Meadow, *supra* note 243, at 401.

268. Brown, *supra* note 253.

269. Fruehmann, *supra* note 248, at 12.

270. Ian Gallacher, *Thinking Like Non-Lawyers: Why Empathy is a Core Lawyering Skill and Why Legal Education Should Change to Reflect Its Importance*, SYRACUSE U. COLL. OF L. – FAC. SCHOLARSHIP 1, 3 (2012).

271. *Id.*

272. Norton, Johnson & Woods, *supra* note 31, at 994. As noted earlier, extroverts are more sensitive to dopamine, which is also the neurotransmitter implicated in many of the activities valued in law school, such as achieving high class rank or grades. *Supra* note 49 and accompanying text.

These value systems and behavioral habits often become “enduring pattern[s] that follow[] lawyers from college to career.”²⁷³ “Lawyers who take time to listen to clients until they have a full appreciation of [the situation]” are seen as weak or overly emotional—“traits often considered with scorn or disdain.”²⁷⁴ “Rainmaker”²⁷⁵ lawyers, by contrast, are often rewarded with promotions and raises for behavior that is disrespectful at best and emotionally abusive at worst.²⁷⁶ The ability of these lawyers to generate a vast amount of new business is undoubtedly valuable, but their contributions should not come at the expense of empathy or be valued over social-emotional intelligence.

2. IMPACT ON INTROVERTS

Everyone in the legal field—from clients and co-workers to judges and juries—suffers because of this homogeneous, hyper-competitive, unemotional culture. In general, “[h]ighly competitive organizational cultures influence employees to shift from an internal to an external locus of control and validation.”²⁷⁷ They adopt the value structure of the workplace culture around them. In the legal field, this shift has led to widespread self-loathing²⁷⁸ and other mental health issues among lawyers.²⁷⁹

Introverted lawyers, however, are uniquely affected by this professional culture.²⁸⁰ Introverts are naturally averse to competition and inclined toward empathy²⁸¹—qualities that are at odds with the disposition encouraged in the legal profession. Given this “acute cognitive dissonance, it seems reasonable to expect unhealthy levels of emotional distress and psychopathological coping mechanisms.”²⁸² Because the values expounded in the profession run counter to their nature, many introverts end up believing something is wrong with them and that they are not “cut out” to be lawyers.²⁸³ They are encouraged, if not compelled, to adopt a mask of dominance and imperviousness.²⁸⁴ For some, the pressure to

273. *Id.*

274. *Id.* at 996.

275. A “rainmaker” is a lawyer, usually a partner, who creates a lot of business for the firm by bringing in new clients.

276. See BROWN, *supra* note 27, at 33.

277. Norton, Johnson & Woods, *supra* note 31, at 996.

278. See Poppe & Rachlinski, *supra* note 16, at 882.

279. See Krieger & Sheldon, *supra* note 262, at 580.

280. See, e.g., Kathy Caprino, *I’m Sick of Our Culture’s Bias Against Introverts – And I’m Ashamed to Admit I Share in It*, FORBES (Dec. 29, 2017), <https://www.forbes.com/sites/kathycaprino/2017/12/29/im-sick-of-our-cultures-bias-against-introverts-and-im-ashamed-to-admit-i-have-one> [https://perma.cc/GY4T-TGU8] (“[I]ntroverts may indeed struggle in corporate life in ways that extroverts do not.”).

281. See CAIN, *supra* note 32, at 141; BROWN, *supra* note 27, at 42.

282. Goldfien, *supra* note 26, at 195.

283. Nancy Ancowitz, *How Introverts Succeed as Lawyers*, PSYCH. TODAY (Apr. 14, 2019), <https://www.psychologytoday.com/us/blog/self-promotion-introverts/201904/how-introverts-succeed-lawyers> [https://perma.cc/46EV-2WF8].

284. See Goldfien, *supra* note 26, at 195.

conform to perceived external ideals leads to “excessive demonstrations of aggression, dominance, and competence in an attempt to overcome, or compensate psychologically for, these troubling inner feelings.”²⁸⁵ Instead of honing their empathetic nature and innate instinct for harmony, introverted lawyers expend their energy trying to fit into a professional culture that stands in direct opposition to their very way of being. But this is “not just [about] the personalities of lawyers—it’s about the industry’s culture.”²⁸⁶ In order to combat the tripartite crisis, “we must change the very cultural underpinnings of our profession—from law school all the way through post-retirement.”²⁸⁷

III. THE SOLUTION

Introverts innately possess skills and competencies that have the potential to counteract the tripartite crisis and, ultimately, “revolutionize the legal profession.”²⁸⁸ Although introverts and extroverts can both excel at the practice of law, the legal profession has traditionally placed value solely on extroverted traits. The problems in the legal profession are not due to an oversaturation of extroverted lawyers. They are instead a product of an admissions process, educational model, and professional culture that send a message about who is, and who is not, fit to be a lawyer. Even before they are admitted to law school, students receive the message that lawyers must act in a certain manner and possess a certain skill-set. There is one “right” way to be a lawyer, we are told, and those who do not naturally fit the mold must fundamentally change.

This section focuses on the skills introverted lawyers bring to the table, but it is important to note that the legal profession needs *both* introverts and extroverts. Accepting introverted lawyers is the first step, but it is not the end of the road. True reform requires *diversity*—in all its forms. The most effective professional teams are comprised of people with different skills, life experiences, and perspectives. Research has repeatedly confirmed that “nonhomogenous [*sic*] teams are simply smarter.”²⁸⁹ Greater diversity “change[s] the way that entire teams digest information needed to make the best decisions.”²⁹⁰ It “challenge[s] . . . [the] brain to overcome its stale ways of thinking and sharpen its performance.”²⁹¹ Diverse teams are more innovative, process information more carefully, and make more

285. *Id.*

286. Rory O’Neill, *Mental Health and Law: Does IP Have a Culture Problem?*, WORLD INTELL. PROP. REV. (Oct. 8, 2021), <https://www.worldipreview.com/article/mental-health-and-law-does-ip-have-a-culture-problem> [https://perma.cc/ZW48-JPGX].

287. Karen K. Peters & M. Elizabeth Coreno, *Legal Industry Needs to End ‘Blame and Shame’ on Mental Health*, BLOOMBERG L. (Nov. 10, 2021), <https://news.bloomberglaw.com/banking-law/legal-industry-needs-to-end-blame-and-shame-on-mental-health> [https://perma.cc/62P6-YXP5].

288. BROWN, *supra* note 27, at ix.

289. David Rock & Heidi Grant, *Why Diverse Teams Are Smarter*, HARV. BUS. REV. (Nov. 4, 2016), <https://hbr.org/2016/11/why-diverse-teams-are-smarter> [https://perma.cc/YX9D-DEUT].

290. *Id.*

291. *Id.*

accurate judgment calls.²⁹² And diversity begets diversity. Working on diverse teams increases awareness of implicit biases and helps ensure the organization has inclusive practices.²⁹³ In order to overcome the tripartite crisis and build a healthier, more effective profession, we must prioritize diversity and encourage *all* lawyers to tap into their authentic style of advocacy.

A. BENEFITS OF INTROVERTED LAWYERS

An increasing number of legal scholars and researchers have found that introverted traits are particularly valuable in the practice of law.²⁹⁴ The ABA itself has published numerous articles extolling the skills introverted lawyers bring to the table.²⁹⁵ In one ABA article, legal scholar Eva Wisnik describes introverts as “[i]nnately equipped” to be lawyers because of their natural tendencies.²⁹⁶ Contrary to popular belief, Wisnik explains, “lawyers spend a lot of time by themselves—reading, writing, thinking—compared to other jobs where the majority of the work is interacting.”²⁹⁷ Thus, the reality of legal practice aligns with the way introverts tend to think and work.

But introverted skills are also valuable in the aspects of legal work that involve social interaction.²⁹⁸ Experts on introversion report that introverts “bring tremendous assets to interpersonal encounters: active listening, deep methodical thinking, creative problem-solving and empathy.”²⁹⁹ As natural listeners and deep thinkers, introverted lawyers “go deeper than the obvious surface legal issues to unearth personality conflicts or emotional triggers posing removable barriers to a successful negotiation or conflict resolution.”³⁰⁰ Because of their empathetic nature, strong moral compasses, leadership style, problem-solving skills, indifference to extrinsic rewards, and negotiation style, introverts can be powerful agents of change in the legal profession.

292. *See id.*

293. *Id.*

294. *See, e.g., id.*

295. *See, e.g.,* Leslie A. Gordon, *Introverts in an Extroverts' World*, ABA J. (Jan. 1, 2016, 12:10 AM), https://www.abajournal.com/magazine/article/most_lawyers_are_introverted_and_thats_not_necessarily_a_bad_thing/?utm_source=internal&utm_medium=navigation&utm_campaign=most_read [<https://perma.cc/546L-Q7YT>]; Heidi K. Brown, *Talented but Overlooked: We Should Transform Hiring and Mentoring of Introverted Lawyers*, 104 ABA J. 22, 22–23 (2018) (discussing the benefits of introvert personalities within the legal profession); *see also* Victor A. Flores, *Beyond Gregarious Introverted Attorneys Surviving in an Extrovert-Driven Society*, 79 TEX. B.J. 438, 438–39 (2016) (discussing introverts' inherent skills, including their “introspective temperament” and “instinctive ability to be great listeners, precise and methodical planners, and creative legal advocates,” and the benefits of those skills in the legal profession).

296. Flores, *supra* note 295, at 438 (“Many potential clients are unaware of the excellent level of legal advocacy that introverts can provide despite a lack of bombastic fervor.”).

297. Gordon, *supra* note 295.

298. Brown, *supra* note 295, at 22.

299. *Id.*

300. BROWN, *supra* note 27, at 36.

1. EMPATHY

“Empathy refers to the capacity to vicariously experience and understand” another person’s thoughts and feelings “by putting oneself in that person’s” position.³⁰¹ “[I]nstead of looking at another person from [the] outside,” empathetic people actually see and feel how the other person sees and feels.³⁰² Tasks that require empathy and “the reading of emotion” are “ubiquitous . . . in the practice of law.”³⁰³ Reflective, “empathic listening . . . encourages . . . [the] free flow of information” between lawyer and client.³⁰⁴ When approached with empathy, a client is much more likely to openly discuss the facts of the case and their own feelings about the case.³⁰⁵ By establishing an empathetic, non-threatening environment, a lawyer can ensure her client feels comfortable describing sensitive emotions and topics—which may end up being critical to the case.³⁰⁶ If nothing else, more empathetic lawyering will help revive the tarnished image of legal practice. In order to pave the way for empathy in the legal profession, it is vital that we welcome introverted attorneys with open arms and encourage them to be true to their natural temperament.

By nature, introverts are exceptionally aware of and sensitive to others’ emotions. Introverts’ sensitivity to stimuli is linked not only to sensory input but also social and emotional stimuli. Because they are deeply attuned to emotions and the inner workings of the mind, introverts tend to be more empathetic and compassionate.³⁰⁷ Extroverts, of course, also experience empathy. But, by definition, they are less sensitive to external stimuli, including emotional stimuli.³⁰⁸ And while extroverts tend to develop wide networks, their relationships within those networks are often casual and remain on the surface level.³⁰⁹ Introverts, by contrast, prefer to establish deep relationships with a few select people and tend to

301. Fathima Najiya & Sannet Thomas, *Self-Esteem, Empathy and Introversion Among Adolescent Readers*, 9 INT’L J. INDIAN PSYCH. 592, 594 (2021).

302. *Id.*

303. Graham B. Strong, *The Lawyer’s Left Hand: Nonanalytical Thought in the Practice of Law*, 69 U. COLO. L. REV. 759, 797–98 (1998).

304. Robert M. Bastress, *Client Centered Counseling and Moral Accountability for Lawyers*, 10 J. LEGAL PRO. 97, 99 (1895).

305. *Id.* at 99–100.

306. *Id.*

307. See ELAINE N. ARON, *THE HIGHLY SENSITIVE PERSON: HOW TO THRIVE WHEN THE WORLD OVERWHELMS YOU* xiv, xix–xx (Bruce Shostak ed., Kensington Publishing rev. ed. 1996) (discussing traits of “highly sensitive people,” at least 70% of whom are introverts); Allison Abrams, *Seven Reasons to Be Proud to Be an Introvert*, PSYCH. TODAY (June 25, 2017), <https://www.psychologytoday.com/us/blog/nurturing-self-compassion/201706/seven-reasons-be-proud-be-introvert> [<https://perma.cc/4JUG-JLJM>]; Joann S. Lublin, *Introverted Execs Find Ways to Shine*, WALL ST. J. (Apr. 14, 2011), <https://www.wsj.com/articles/SB10001424052748703983104576263053775879800> [<https://perma.cc/8FKR-5RNV>].

308. See CAIN, *supra* note 32, at 142–43.

309. See *id.* at 226–27.

“experience higher levels of empathy with them.”³¹⁰ This tendency to empathize is believed to be hardwired into the brains of introverts.³¹¹ Starting in childhood, introverts are “exceedingly empathic, caring, and cooperative” and “work well with others.”³¹² For example, studies show that introverted children experience more intense guilt and sorrow when they accidentally break another child’s toy.³¹³ In the words of Susan Cain, it is as if introverts “have thinner boundaries separating them from other people’s emotions and from the tragedies and cruelties of the world.”³¹⁴

Time and again, research has confirmed the link between introversion and empathy.³¹⁵ One of the most interesting findings regarding this link comes from the world of rhesus monkeys.³¹⁶ Rhesus monkeys share ninety-five percent of our DNA and have elaborate social structures that resemble ours, making them a viable point of comparison.³¹⁷ In this study, researchers tracked the social and emotional development of young monkeys whose genetic profiles corresponded with introversion.³¹⁸ These monkeys, when raised by nurturing mothers, often performed better on key social tasks (e.g., finding playmates, building alliances, and handling conflicts), became leaders of their troops, and processed serotonin more efficiently.³¹⁹ Researchers speculated that the monkeys “owed their success to the enormous amounts of time they spent watching rather than participating in the group, absorbing on a deep level the laws of social dynamics.”³²⁰ As discussed earlier, such heightened attention and sensitivity to social and emotional dynamics has been documented in adult human beings as well.³²¹ The increased levels of empathy that often accompany introversion can help counteract the negative

310. Peter Hills & Michael Argyle, *Happiness, Introversion Extraversion and Happy Introverts*, 30 PERSONALITY & INDIVIDUAL DIFFERENCES 595, 597 (2001).

311. See CAIN, *supra* note 32, at 138.

312. *Id.* at 111–12.

313. *Id.* (High-reactive kids are “exceedingly empathetic,” and high-reactivity is associated with the 5-HTTLPR gene.); cf. ARON, *supra* note 307, at xv–xvi (discussing the genetic basis of high-sensitivity, which is correlated with introversion).

314. CAIN, *supra* note 32, at 137.

315. See *id.* at 138–40; Bianca P. Acevedo, Elaine N. Aron, Arthur Aron, Matthew-Donald Sangster, Nancy Collins & Lucy L. Brown, *The Highly Sensitive Brain: an FMRI Study of Sensory Processing Sensitivity and Response to Others’ Emotions*, 4 BRAIN BEHAV. 580, 580–94 (2014); Aron & Aron, *supra* note 105, at 345–68.

316. David Dobbs, *The Science of Success*, ATLANTIC (Dec. 2009), <https://www.theatlantic.com/magazine/archive/2009/12/the-science-of-success/307761/> [<https://perma.cc/YKV8-9Y4U>]; see also generally Stephen J. Suomi, *Early Determinants of Behaviour: Evidence from Primate Studies*, 53 BRIT. MED. BULL. 170 (1997).

317. See, e.g., ARON, *supra* note 307, at xxi, xiv (“[W]hen looking at photos of faces showing strong emotion of any type,” “brain activation indicating empathy was stronger” in highly-sensitive people, seventy percent of whom are introverts.); see also Dobbs, *supra* note 316 (discussing the rhesus monkey study); cf. CAIN, *supra* note 32, at 111–12 (Rhesus monkeys who have the 5-HTTLPR gene and were raised by nurturing mothers are often better at “key social tasks” because they spend “enormous amounts of time . . . watching rather than participating in the group, absorbing on a deep level the laws of social dynamics.”).

318. See Suomi, *supra* note 316, at 173–74.

319. *Id.* at 180.

320. CAIN, *supra* note 32, at 112.

321. *Id.* at 138–40.

public perception of lawyers and, as described in greater detail below, decrease the rate of unethical, unprofessional behavior.

2. ETHICS

Ethics refers to the set of moral principles and values that govern an individual or group.³²² In the legal profession, ethics encompass a range of rules that regulate the conduct of lawyers. As officers of the court, lawyers play a role of enormous social importance, upholding the integrity of the entire legal system. Some experts go as far as to say that all lawyers' decisions are moral and ethical decisions.³²³ The rule of law itself is founded on principles of justice, fairness, and equity. If lawyers do not adhere to and promote these values, the rule of law could fall into disrepute, causing people to turn to alternative methods of resolving disputes. Despite the centrality of ethics to legal practice, unethical conduct among lawyers has been on the rise for decades.³²⁴ The reasons for this trend are complex and multifaceted.³²⁵ No one solution can address the widespread ethical lapses in the legal field. However, introverted lawyers, with their intrinsic orientation toward morality, can help lead the profession into a more ethically sound future.

Because of their tendency to self-reflect, introverts exhibit stricter adherence to ethical values.³²⁶ They are "acutely aware of the consequences of a lapse in their own behavior"³²⁷ and "easily disturbed by cruelty, injustice, and irresponsibility."³²⁸ While research on the connection between introversion and morality is sparse, several studies have found that introverts tend to exhibit higher levels of morality.³²⁹ Experts speculate that introverts' strong moral compasses are due to their reliance on inner values³³⁰ and their reverence for authenticity.³³¹ As one researcher explained, "moral maturity requires the recognition of inner, universal principles of justice to which the introvert is more subject."³³² Even as children, introverts tend to give more "pro-social" responses when presented with moral dilemmas.³³³ In one study, developmental psychologist Grazyna Kochanska

322. *Ethics*, MERRIAM-WEBSTER, <https://www.merriam-webster.com/dictionary/ethic> [https://perma.cc/NJ3K-4XGR] (last visited Feb. 22, 2022).

323. Maine, *supra* note 2, at 1085.

324. *Id.* at 1075; *see also* Krieger & Sheldon, *supra* note 262, at 557.

325. Maine, *supra* note 2, at 1075.

326. *See* CAIN, *supra* note 32, at 134, 137 (Highly-sensitive people, "the majority" of whom are introverts, have "unusually strong consciences.").

327. *Id.* at 137.

328. *Id.* at 112.

329. *See, e.g.*, Tao Yanqiang, Cai Ying, Rana Chandni & Zhong Yuan, *The Impact of the Extraversion-Introversion Personality Traits and Emotions in a Moral Decision-Making Task*, 158 PERSONALITY & INDIVIDUAL DIFFERENCES 1 (2020).

330. Holly O. Houston, Construct Validity of the Slip: Measuring Moral Maturity Based on Jungian Typology 21 (1988) (unpublished Ph.D. dissertation, Loyola University).

331. BROWN, *supra* note 27, at 32.

332. Houston, *supra* note 330, at 21.

333. CAIN, *supra* note 32, at 113.

found that highly-sensitive toddlers, “who are likely to be introverts,” experienced more guilt than their peers when led to believe they had broken an adult’s favorite toy.³³⁴ By age four, the same children were less likely to cheat or break rules, even when they believed they could not be caught.³³⁵ And by age seven, they were more likely to be described by their parents as having high levels of moral traits.³³⁶ The widely-accepted connection between sensitivity and conscience³³⁷ indicates that introverts—who are defined largely by their sensitivity—have stronger consciences. Admittedly, the link between introversion and morality still requires further elucidation. Nonetheless, the existing research provides persuasive support for the theory that introverts are more inclined to be ethical. This orientation toward ethics and morality can help offset the unethical, unprofessional behavior in the legal profession. In a more general sense, embracing and celebrating diverse skillsets builds stronger, more innovative teams that can tackle ethical problems from different viewpoints. Diverse teams are less susceptible to groupthink,³³⁸ which often perpetuates unethical behavior, and are perceived as more ethical.³³⁹ Thus, greater integration of lawyers with different skillsets and viewpoints can decrease the incidence of unethical behavior and counteract the public perception of lawyers as unethical.

3. LEADERSHIP

While there is no single definition of leadership, there are several traits that experts generally agree make a great leader: competence, even-temperament, authenticity, honesty, imagination, persistence, inclusivity, and focus on others.³⁴⁰

334. *Id.* at 140 (discussing study by Grazyna Kochanska, *infra*, as demonstrative of the connection between sensitivity and conscience); Grazyna Kochanska, Jami N. Gross, Mei-Hua Lin & Kate E. Nichols, *Guilt in Young Children: Development, Determinants, and Relations with a Broader System of Standards*, 73 CHILD DEV. 461, 465–66 (2002). In the study, an experimenter lends a toy to a toddler, asking the child to be very careful because it’s one of the experimenter’s favorites. But the toy, which has been rigged to break, falls apart as soon as the child begins playing with it. In response, the experimenter says, “Oh my . . .” and looks upset. Highly sensitive children exhibit more intense feelings of guilt, hugging themselves and covering their faces with their hands. Because they are “unusually sensitive to all experience, both positive and negative,” these toddlers “seem to feel both the sorrow of the woman whose toy is broken and the anxiety of having done something bad.”

335. CAIN, *supra* note 32, at 140.

336. *Id.* at 140–41.

337. *Id.* at 140 (“The connection between sensitivity and conscience has long been observed.”).

338. “Groupthink” is a phenomenon where members of a group “accept a viewpoint or conclusion that represents a perceived group consensus,” even when they do not “believe it to be valid, correct, or optimal.” Anna Schmidt, *Groupthink*, ENCYC. BRITANNICA, <https://www.britannica.com/science/groupthink> [<https://perma.cc/R97A-SG9W>] (last visited Feb. 19, 2022).

339. See Deborah Gilshan & Mark Chambers, *The Ethics of Diversity*, INST. OF BUS. ETHICS 7–11 (Feb. 3, 2021) <https://corp.gov.law.harvard.edu/2021/02/03/the-ethics-of-diversity> [<https://perma.cc/AB6S-VPV9>]; Uzma Khan & Ajay Kalra, *It’s Good to Be Different: How Diversity Impacts Judgments of Moral Behavior*, 49 J. CONSUMER RSCH. 177–201 (2022); Ronald R. Sims, *Linking Groupthink to Unethical Behavior in Organizations*, 11 J. BUS. ETHICS 651, 651–62 (1992).

340. Barton, *supra* note 17, at 119–22.

Great leaders treat others with dignity and have high levels of emotional intelligence.³⁴¹ As leadership expert April Barton explains, “there is no place for ego in great leadership.”³⁴² “Great leaders,” Barton says, “listen to others, admit fault,” and “[do] not seek credit for success.”³⁴³ “Arguably more than any other professional field, lawyers find themselves in positions of leadership.”³⁴⁴ Yet many lawyers lack effective leadership skills.³⁴⁵ Introverts, however, naturally possess many of the qualities that experts agree are key to great leadership. With introverted lawyers at the helm, we can begin to heal the profession from within and restore public trust in the legal field overall.

Introverts tend to employ a collaborative leadership style that makes them highly effective leaders, particularly in dynamic and unpredictable environments.³⁴⁶ As a general matter, we tend to overestimate how outgoing leaders need to be. The loudest voices are not necessarily the most grounded in truth, but in the legal profession, we often perceive them that way.³⁴⁷ “Metacognitive skills” like self-awareness, relationship-building, empathy, and emotional intelligence³⁴⁸ are far more important than assertiveness or gregariousness. Moreover, as Quinn Mills, an expert on leadership styles and professor at Harvard Business School, has noted, most leadership today “is done in small meetings” and “through written and video communications.”³⁴⁹ Thus, introverts’ disinclination toward large-group settings is of little import. A new study at Harvard Business School recently found that extroverted leaders can even be a liability for companies, especially when leading other extroverts.³⁵⁰ If everyone in the room is contributing thoughts, one of the researchers notes, new ideas cannot mature and blossom into profitable projects.³⁵¹ Extroverted leaders also tend to be threatened by suggestions.³⁵² And even when they are receptive, they may be “too busy being outgoing to listen to or act upon [others’ ideas].”³⁵³ The point is not that extroverts are bad leaders, but rather that extroversion is not a prerequisite for good leadership.

341. *Id.* at 122.

342. *Id.*

343. *Id.*

344. *Id.* at 129.

345. *See id.* at 129.

346. Adam Grant, Francesca Gino & David A. Hofmann, *The Hidden Advantages of Quiet Bosses*, HARV. BUS. REV. 28 (2010), <https://hbr.org/2010/12/the-hidden-advantages-of-quiet-bosses> [<https://perma.cc/7FSL-2PBW>].

347. BROWN, *supra* note 27, at 33.

348. Barton, *supra* note 17, at 128.

349. CAIN, *supra* note 32, at 53.

350. Carmen Nobel, *Introverts: The Best Leaders for Proactive Employees*, WORKING KNOWLEDGE (Oct. 4, 2010), <https://hbswk.hbs.edu/item/introverts-the-best-leaders-for-proactive-employees> [<https://perma.cc/5VB3-ZZBV>].

351. *Id.*

352. Grant, Gino & Hofmann, *supra* note 346, at 28.

353. Nobel, *supra* note 350.

Not only can introverts be good leaders, but the traits that comprise introversion align with nearly all of the skills that experts consider crucial to leadership.³⁵⁴ “[I]ntrovert traits such as listening, preparation, and calmness,” for example, “are great qualities found in excellent leaders.”³⁵⁵ Introverted leaders tend to listen very carefully to others’ ideas and show greater receptivity to suggestions.³⁵⁶ Because of introverts’ disinterest in “dominating social situations,”³⁵⁷ people open up to them without hesitation.³⁵⁸ Their quiet and reserved nature allows introverts to “gather information easily, ask pointed questions, analyze the answers, and articulate a direction at the opportune time.”³⁵⁹ Because of introverts’ inclination toward listening to and advising others, many experts have stressed that “introverts should be more heralded in the profession as effective counselors-at-law.”³⁶⁰ During times of change and uncertainty, introverts’ “calm focus and grounded energy” helps those around them to stay centered.³⁶¹ Perhaps counterintuitively, introverts are also excellent at networking. As attentive listeners and “keen observer[s] of people,”³⁶² introverts “shine at building one-on-one connections.”³⁶³ And finally, because of their “creativity and brain power,” introverted leaders tend to “inspire new ideas, challenge the status quo, and solve pressing [problems]” within their workplaces.³⁶⁴ Given their leadership skills and style, introverted lawyers can counteract the negative public perception of the legal profession and create work environments that are more conducive to professional behavior overall.

4. COMPLEX PROBLEM SOLVING

Broadly speaking, problem solving refers to the process of devising solutions to situations where “something has gone wrong” or “mak[ing] future-looking decisions where no one option clearly dominates.”³⁶⁵ Problem solving is one of

354. JENNIFER KAHNWEILER, *THE INTROVERTED LEADER* 1 (2009) (“Introverts also have unique qualities that make them particularly suited to leading people toward great results.”).

355. *Id.* at xiii.

356. Grant, Gino & Hofmann, *supra* note 346, at 28.

357. CAIN, *supra* note 32, at 57.

358. See KAHNWEILER, *supra* note 354, at 81; see also CAIN, *supra* note 32, at 238–39 (Research by developmental psychologist Avril Thorne demonstrated that introverts tend to adopt an adviser role in their interactions with other people. Thorne compared the conversational tendencies of introverts and extroverts by assigning each participant a partner to converse with for ten minutes. The introverts exhibited an inclination for “problem talk,” eliciting information about conflicts or problems in their partners’ lives and counseling them about those issues. Extroverts, by contrast, were more likely to offer casual information about themselves to establish commonality with their partners. When they were paired with introverts, the extroverts reported feeling more relaxed and “freer to confide their problems.”).

359. KAHNWEILER, *supra* note 354, at 82.

360. BROWN, *supra* note 27, at 49.

361. KAHNWEILER, *supra* note 354, at 187.

362. *Id.* at 153.

363. *Id.* at 81.

364. *Id.* at 5.

365. Paul Brest & Linda Hamilton Krieger, *Lawyers as Problem Solvers*, 72 TEMP. L. REV. 811, 812 (1999).

the core skills of a good lawyer. People hire lawyers because they have a problem or are seeking to avoid one. In theory, these problems are strictly legal in nature, but the reality is that most legal problems are multidimensional and transcend professional disciplines.³⁶⁶ Thus, problem solving in the legal field “usually requires more than technical legal skill.”³⁶⁷ Often, it “involve[s] looking beyond legal solutions or beyond obvious or established answers, for something infrequently used, or not yet thought of, to advance the law.”³⁶⁸ The best legal problem solvers are creative, flexible, and persistent. They possess sophisticated “meta-cognitive skills”—i.e., “thinking about thinking”—like self-awareness and reflection.³⁶⁹ Ultimately, lawyers, as problem solvers, must be “the client’s interlocutor, partner, or guide in identifying and clarifying objectives and determining the best course of action.”³⁷⁰

Introverts are particularly gifted problem solvers because of their innate persistence and creativity.³⁷¹ Perhaps unsurprisingly, introverts tend toward a more cautious and thorough problem-solving style.³⁷² As Susan Cain explains,

Extroverts are more likely to take a quick-and-dirty approach to problem solving, trading accuracy for speed, making increasing numbers of mistakes as they go, and abandoning ship altogether when the problem seems too difficult or frustrating. Introverts think before they act, digest information thoroughly, stay on task longer, give up less easily, and work more accurately.³⁷³

Research has repeatedly demonstrated that introverts are more persistent in solving complex problems and less likely to give up on difficult intellectual tasks.³⁷⁴ In one study, for example, introverts and extroverts took the “Raven Standard Progressive Matrices,” an intelligence test that consists of five problem sets of increasing difficulty.³⁷⁵ Because of their ability to quickly orient to the

366. *Id.* at 811.

367. *Id.*

368. Kathleen Elliott Vinson, *What’s Your Problem?*, 44 STETSON L. REV. 777, 816 (2017).

369. *Id.* at 812–13.

370. Brest & Krieger, *supra* note 365, at 827.

371. CAIN, *supra* note 32, at 168 (“[Introverts have] been shown to excel at something psychologists call ‘insightful problem solving’” because they “stay on task longer, give up less easily,” and “tend to sit around wondering about things, imagining things . . . [and] ask[ing] ‘what if.’”); Hans J. Eysenck, *Creativity as a Product of Intelligence and Personality*, in INTERNATIONAL HANDBOOK OF PERSONALITY AND INTELLIGENCE, *supra* note 60, at 213, 243 (“[C]reative people like scientists [and artists] tend to be introverted.”); Zeidner, *supra* note 103, at 310 (Extroverts are “less persistent than introverts.”).

372. Zeidner, *supra* note 103, at 310 (“[E]xtroverts opt for speed in experimental tasks whereas introverts opt for accuracy.”).

373. CAIN, *supra* note 32, at 168.

374. *See id.* (In one small study, psychologists gave fifty people a complicated jigsaw puzzle and found that extroverts were more likely than introverts to quit halfway through. In another experiment, participants were given a complex series of printed mazes. Not only did the introverts solve more mazes correctly, but they spent a much greater percentage of their allotted time inspecting the maze before entering it.).

375. *Id.* at 169.

goal, extroverts outperformed introverts on the first two tasks.³⁷⁶ However, in the last three tasks, where persistence pays off, introverts performed significantly better.³⁷⁷ And by the final set, extroverts were much more likely to abandon the task altogether.³⁷⁸ Surprisingly, this pattern holds true for social tasks too. A study of call-center employees, for example, found that introverts outperformed extroverts largely because of their persistence.³⁷⁹ Adam Grant, the researcher who conducted this study, explained that the extroverts started off by making these “‘wonderful calls,’” but then they would lose focus.³⁸⁰ The introverts, by contrast, “‘would talk very quietly,’” but were “‘focused and determined.’”³⁸¹ Their persistence was more than a match for extroverts’ enthusiasm, even in a task where social skills might be considered at a premium.³⁸² Although persistence pays off in some situations, there are, of course, other situations that require quick responses and enthusiastic energy. The most effective problem solving combines and capitalizes on both introverts’ and extroverts’ strengths.

Introverts exhibit higher levels of creative thinking due, in large part, to their preference for solitary work.³⁸³ While the exact cause is unknown, most neuroscientists agree that solitude is a key prerequisite for creative thinking.³⁸⁴ Creativity seems to flourish when “the parts of the brain that are less connected to reality” are allowed to flow more freely.³⁸⁵ Not only does creative insight thrive in solitude, but research indicates that creativity is actively *hindered* by group brainstorming. In one study, for example, participants in twenty-three out of twenty-four groups produced more ideas of equal or higher quality when working individually.³⁸⁶ And other studies have repeatedly “shown that performance gets worse as group size increases.”³⁸⁷ One of the main reasons for brainstorming’s inefficacy is evaluation apprehension, or the fear of looking stupid in front of peers.³⁸⁸ This fear of judgement can lead to groupthink, which inhibits creativity and reduces the efficacy of group problem solving.³⁸⁹ Introverts, however, naturally “resist ‘groupthink’ and instead seek quiet to scrunch up their faces and sort

376. *Id.*

377. *Id.*

378. *Id.*

379. *Id.*

380. *Id.* (quoting Adam Grant).

381. *Id.*

382. *Id.* at 169–70.

383. *Id.* at 74.

384. Scott Barry Kaufman, *The Real Neuroscience of Creativity*, SCI. AM. (Aug. 19, 2013), <https://blogs.scientificamerican.com/beautiful-minds/the-real-neuroscience-of-creativity> [<https://perma.cc/9DZ7-T35B>].

385. Jory MacKay, *Is Solitude the Key to Unlocking Our Creativity?*, MEDIUM: THE STARTUP (July 26, 2016), <https://medium.com/swlh/is-solitude-the-secret-to-unlocking-our-creativity>, [<https://perma.cc/DC22-6GDR>].

386. CAIN, *supra* note 32, at 88.

387. *Id.*

388. *Id.* at 89.

389. *Id.*

through difficult topics free of outside influence.”³⁹⁰ Therefore, even in group settings, introverts are more inclined toward creative insight.

In general, diverse teams are more innovative and generate more creative solutions.³⁹¹ Diversity increases the pool of experiences and perspectives that a team can draw upon in devising solutions to complex problems.³⁹² And while this holds true for all forms of diversity, “deep-level variables,” such as personality, values, and skills, are particularly effective at enhancing creative problem solving.³⁹³ Teams that include different kinds of thinkers outperform homogeneous groups on complex tasks, producing what social scientist Scott E. Page calls “diversity bonuses.”³⁹⁴ These bonuses include improved problem solving, greater innovation, and more accurate predictions—all of which lead to better performance and results for the entire organization.³⁹⁵

By enhancing diversity, particularly personality diversity, legal service providers can offer clients better, more creative solutions that account for social and emotional aspects of the legal problem at hand. These kinds of solutions can help bridge the disconnect between lawyers, who are often more adept at identifying issues than solving problems, and their clients.³⁹⁶ A stronger lawyer-client connection will, in turn, make significant strides in repairing lawyers’ public image.

5. REWARD SENSITIVITY

Reward sensitivity refers to an individual’s “tendency to detect, pursue, learn from, and derive pleasure from positive stimuli.”³⁹⁷ Individuals who are highly sensitive to rewards tend to be motivated by extrinsic incentives like money, sex,

390. BROWN, *supra* note 27, at 45.

391. Eric “ERock” Christopher, *How a Diverse Team Brings More Creativity and Engagement to Your Business*, ENTREPRENEUR (Jan. 15, 2022), <https://www.entrepreneur.com/growing-a-business/how-a-diverse-team-brings-more-creativity-and-engagement-to/411480> [<https://perma.cc/HR26-CHKD>]; Tomas Chamorro-Premuzic, *Does Diversity Actually Increase Creativity?*, HARV. BUS. REV. (June 28, 2017), <https://hbr.org/2017/06/does-diversity-actually-increase-creativity> [<https://perma.cc/PX76-LMSW>] (“[D]iverse team composition does seem to confer an advantage when it comes to generating a wider range of original and useful ideas.”); see also Sarah Harvey, *A Different Perspective: The Multiple Effects of Deep Level Diversity on Group Creativity*, 49 J. EXPERIMENTAL SOC. PSYCH. 822, 822–32 (2013).

392. See Christopher, *supra* note 391 (“Studies show that teams with diverse members are 70 percent more likely to capture new markets with their projects . . . [because] the overall well of experiences to draw upon is both wider and deeper than a team composed of similar individuals.”).

393. *Id.* (“[T]he most interesting and influential aspects of diversity are psychological (e.g., personality, values, and abilities), also known as deep-level diversity.”); cf. Katherine W. Phillips & Denise Lewin Loyd, *When Surface and Deep-Level Diversity Collide: The Effects on Dissenting Group Members*, 2 ORGANIZATIONAL BEHAV. & HUM. DECISION PROCESSES 143 (“[D]eep-level characteristics [include] attitudes, opinions, information, and values.”).

394. See generally SCOTT E. PAGE, *THE DIVERSITY BONUS: HOW GREAT TEAMS PAY OFF IN THE KNOWLEDGE ECONOMY* (2017).

395. *Id.*

396. *Supra* note 113 (quoting Cohen, *supra* note 19).

397. Jackson A. Goodnight, *Reward Sensitivity*, in *THE SAGE ENCYCLOPEDIA OF LIFESPAN HUMAN DEVELOPMENT 1854, 1854* (Marc H. Bornstein ed., 2018).

social status, and influence.³⁹⁸ As a key component of temperament, reward sensitivity is biologically-based and linked to the brain systems that control “approach-related emotions.”³⁹⁹ In fact, reward drive is increasingly considered one of the major dividing lines between introversion and extroversion.⁴⁰⁰ Because extroverts are more sensitive to dopamine—the neurotransmitter “released in response to anticipated pleasures”—they are characterized by their tendency to seek extrinsic rewards.⁴⁰¹ Like extroversion, high reward sensitivity is encouraged in the legal profession.⁴⁰² But the tendency toward extrinsic rewards “may easily become maladaptive,” particularly in the practice of law.⁴⁰³ On an individual level, reward sensitivity often leads to workaholism and perfectionism, which, in turn, generate “stress, interpersonal difficulties, and substance abuse.”⁴⁰⁴ On an institutional level, however, the consequences can be even more disastrous. Reward sensitivity could foster an unhealthy desire to win a client’s case at all costs, thereby increasing the risk of unprofessional and unethical behavior.⁴⁰⁵ Rather than acting in the best interests of the client, for example, a lawyer who is highly reward-driven may choose a strategy aimed at increasing her own profits from the case. At best, sensitivity to external rewards increases the “competitive, aggressive, hostile, and overreaching behavior” that has tainted the legal profession’s reputation.⁴⁰⁶ At worst, it can lead to excessive risk taking and cause people to ignore warning signs they should be heeding.

The Wall Street crash of 2008 provides an illustrative example of the devastating consequences that can result from reward-driven leadership. At the time of the crash, most financial institutions were headed by extroverts⁴⁰⁷ who, research

398. CAIN, *supra* note 32, at 157.

399. Goodnight, *supra* note 397, at 1854.

400. CAIN, *supra* note 32, at 160.

401. *Id.*

402. See Daicoff, *supra* note 21, at 1422 (discussing the “emphasis on materialism and profit motivation” in law school and the legal profession); see also BROWN, *supra* note 27, at 33 (“Law practice encourages and promotes the extrovert ideal.”).

403. See Daicoff, *supra* note 21, at 1418.

404. *Id.*

405. *Id.* at 1422.

406. *Id.*

407. See CAIN, *supra* note 32, at 164–65 (According to Boykin Curry, “[p]eople with certain personality types got control of capital and institutions and power . . . [and] people who are congenitally more cautious and introverted and statistical in their thinking became discredited and pushed aside.” Vincent Kaminski, a Rice University business school professor who once served as managing director of research for Enron . . . [told] a similar story of a business culture in which aggressive risk-takers enjoyed too high a status relative to cautious introverts.”); Fareed Zakaria, *A More Disciplined America*, NEWSWEEK (Oct. 10, 2008), <https://www.newsweek.com/zakaria-more-disciplined-america-92197> [<https://perma.cc/5CWT-TBN2>] (“The cautious types were increasingly intimidated, passed over for promotion. They lost their hold on capital. This happened every day in almost every financial institution over and over, until we ended up with a very specific kind of person running things.”).

confirms, are genetically predisposed to financial risk taking.⁴⁰⁸ For this reason, numerous experts have suggested that these catastrophes could have been mitigated, or even avoided altogether, if more introverts had been at the helm.⁴⁰⁹ According to Boykin Curry, the managing director of Eagle Capital, financial institutions had become increasingly homogeneous in the decades preceding the crash.⁴¹⁰ Risk takers were promoted and gained more and more control over capital.⁴¹¹ “The cautious types,” on the other hand, “were increasingly intimidated [and] passed over for promotion.”⁴¹² “This happened every day in almost every financial institution over and over,” Curry explained, “until we ended up with a very specific kind of person running things.”⁴¹³ Ultimately, Curry believes “it was forceful extroverts who caused the global financial crash.”⁴¹⁴ Driven by the desire for extrinsic rewards, these extroverted leaders failed to notice the impending doom and instead continued to take increasingly excessive risks.⁴¹⁵ And those who understood the risks were ignored “in part because they had the wrong personality style.”⁴¹⁶

Introverts, however, are “constitutionally programmed” to downplay rewards and scan for problems.⁴¹⁷ Because they are less sensitive to dopamine, introverts do not experience the same level of excitement at the prospect of a reward that extroverts do.⁴¹⁸ As a result, introverts are better able to regulate feelings of excitement or desire and pay attention to warning signs.⁴¹⁹ Research has repeatedly demonstrated that extroverts are geared to respond, while introverts are geared to inspect.⁴²⁰ In a study by psychologists at the University of Wisconsin, for example, participants played a game in which different numbers flashed across a computer screen, one at a time and in no particular order.⁴²¹ Participants were given a button to press, or not, as each number appeared. If the participant

408. See CAIN, *supra* note 32, at 162.

409. See, e.g., Zakaria, *supra* note 407; CAIN, *supra* note 32, at 164–65.

410. See Zakaria, *supra* note 407.

411. *Id.*

412. *Id.*

413. *Id.*

414. CAIN, *supra* note 32, at 164; see also John Brebner & Con Stough, *Theoretical and Empirical Relationships Between Personality and Intelligence*, in INTERNATIONAL HANDBOOK OF PERSONALITY AND INTELLIGENCE, *supra* note 60, at 321, 341 (“[E]xtroverts are more affected when expecting to win . . . [and] could be regarded as overconfident.”).

415. CAIN, *supra* note 32, at 164–65.

416. *Id.* at 165 (quoting Vincent Kaminski, an introvert who served as Managing Director of Research for Enron before its downfall in 2001).

417. *Id.* at 167.

418. See *id.* at 158–59.

419. See *id.* at 158.

420. See, e.g., C. Mark Patterson, David S. Kosson & Joseph P. Newman, *Reaction to Punishment, Reflectivity, and Passive Avoidance Learning in Extraverts*, 72 J. PERSONALITY & SOC. PSYCH. 565 (1987); C. Mark Patterson & Joseph P. Newman, *Reflectivity and Learning From Aversive Events: Toward a Psychological Mechanism for the Syndromes of Disinhibition*, 100 PSYCH. REV. 716 (1993).

421. Patterson, Kosson & Newman, *supra* note 420, at 566.

pressed the button for a “good” number, she would win points, but if she pressed for a “bad” number, she would lose points.⁴²² Through trial and error, participants learned which numbers were “good” and which were “bad.”⁴²³ At the end of the experiment, each participant would receive money based on the number of points they won.⁴²⁴ Researchers found that extroverts were much more likely to repeatedly press the button for “bad” numbers, even after learning those numbers were bad.⁴²⁵ When introverts pressed the button for a “bad” number and found they had lost a point, “they slow[ed] down before moving on to the next number, as if to reflect on what went wrong.”⁴²⁶ Not only did extroverts fail to slow down, they actually sped up after pressing the button for a bad number.⁴²⁷ But, when the extroverts were forced to slow down, they performed just as well as the introverts.⁴²⁸ Researchers concluded that “[i]ntroverts seem to be specifically wired or trained so when they catch themselves getting excited and focused on a goal, their vigilance increases.”⁴²⁹ This study suggests that when it comes time to make group decisions, “extroverts would do well to listen to introverts—especially when they see problems ahead.”⁴³⁰ At a minimum, introverted lawyers have the power to counteract the public perception that lawyers are materialistic and hungry for money and power. But beyond that, greater inclusion of introverted lawyers provides a much-needed counterbalance to the reward-sensitive culture in the legal profession. That counterbalance will allow lawyers to better protect their clients and their workplaces from the dangers of excessive risk taking.

6. NEGOTIATION

Negotiation refers to the process by which parties bargain in an attempt to reach an agreement.⁴³¹ The best negotiators are not aggressive, adversarial, or deceptive.⁴³² They do not approach negotiation as a zero-sum game where one party’s gain is the other’s loss.⁴³³ Instead, they strive to understand the other side’s interests and collaborate to devise a mutually-agreeable solution. Effective negotiation requires problem-solving skills, creativity, active listening and perceptiveness, and a balance of empathy and assertiveness.⁴³⁴ In the legal context,

422. *Id.*

423. *Id.*

424. *Id.*

425. *Id.* at 568, 571.

426. CAIN, *supra* note 32, at 166.

427. Patterson, Kosson & Newman, *supra* note 420, at 568.

428. *Id.* at 572.

429. CAIN, *supra* note 32, at 167.

430. *Id.* at 162.

431. *Negotiation*, CORNELL L. SCH. LEGAL INFO. INST., <https://www.law.cornell.edu/wex/negotiation> [<https://perma.cc/D4Z3-B6Q4>] (last visited Oct. 2, 2022).

432. Andrea Kupfer Schneider, *Shattering Negotiation Myths: Empirical Evidence on the Effectiveness of Negotiation Style*, 7 HARV. NEGOT. L. REV. 143, 197 (2002).

433. *Id.*

434. *Id.*

parties often negotiate before entering a contract or as a way to reach an out-of-court settlement.⁴³⁵ Most experts agree that “[n]egotiation is one of the most important activities of the practicing lawyer.”⁴³⁶ Despite the importance of negotiation skills, lawyers receive very little formal training in negotiation⁴³⁷ and tend to be poor negotiators as a result.⁴³⁸ In negotiations, lawyers “are likely to come up with an answer before [they] fully understand the perceptions and concerns that create the problem.”⁴³⁹ They tend to approach negotiation with an adversarial, win-lose mindset⁴⁴⁰ and fail to listen meaningfully to the other side’s position.⁴⁴¹ Too often, lawyers conduct negotiations in a way that “exacerbate[s] relations among the parties,” rather than engaging in joint problem solving.⁴⁴² Moreover, research indicates that unethical negotiation tactics are rampant in the legal profession.⁴⁴³ Not only are these tendencies and tactics ineffective, but they also reinforce the negative public perception of lawyers and engender unprofessional, unethical behavior.

In contrast to the dominant negotiation style in the legal profession, introverts tend to approach negotiation with a collaborative mindset, which “leads to better buy-in, relationships, and outcomes; longer lasting agreements; and more creative solutions.”⁴⁴⁴ Introverts have an “instinct for harmony” that allows them to take

435. CORNELL L. SCH. LEGAL INFO. INST., *supra* note 431.

436. Rex R. Perschbacher, *Regulating Lawyers' Negotiations*, 27 ARIZ. L. REV. 75, 75 (1985); Roger Fisher, *What About Negotiation as a Specialty*, 69 ABA J. 1221, 1221 (1983).

437. Deborah Jones Merritt & Logan Cornet, *Building a Better Bar: The Twelve Building Blocks of Minimum Competence*, INST. FOR THE ADVANCEMENT OF THE AM. LEGAL SYS. 1, 39, 69 (2020) (New lawyers often “scrambled to acquire [negotiation] skills” because the “‘litigious’ argument styles they learned in law school did not work well during negotiations.”); John Lande, *Study Finds That Law Schools Fail To Prepare Students To Work With Clients and Negotiate*, INDISPUTABLY (Nov. 4, 2020) <http://indisputably.org/2020/11/study-finds-that-law-schools-fail-to-prepare-students-to-work-with-clients-and-negotiate/> [https://perma.cc/CXG7-395H] (last visited Sept. 29, 2022) (“New lawyers are unprepared to negotiate because they are trained almost exclusively to argue.”).

438. Fisher, *supra* note 436, at 1222; 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, 9 (2002) (“Although [mediation and negotiation training] have gathered much support in recent years, they remain at the periphery of the profession, unfamiliar—if not incomprehensible—to the vast bulk of lawyers and law students who remain firmly in the grip of adversarial mind-sets.”); Merritt & Cornet, *supra* note 437, at 98 (“Negotiation, [like client communication], is a key competency that many new lawyers lack.”).

439. Fisher, *supra* note 436, at 1222.

440. Schneider, *supra* note 432, at 146.

441. Charles B. Craver, *Negotiation as a Distinct Area of Specialization*, 9 AM. J. TRIAL ADVOC. 377, 378 (1986).

442. Fisher, *supra* note 436, at 1222; *see also* Andy Little, *Improving Your Negotiation Skills*, ATT’Y L. MAG. (Sept. 16, 2015), <https://attorneyatlawmagazine.com/improving-your-negotiation-skills> [https://perma.cc/6FDG-RP3T].

443. Art Hinshaw & Jess K. Alberts, *Doing the Right Thing: An Empirical Study of Attorney Negotiation Ethics*, 16 HARV. NEGOT. L. REV. 95 (2011).

444. Cindy Watson, *Are Introverts More Effective Negotiators?*, PSYCH. TODAY (June 28, 2021), <https://www.psychologytoday.com/us/blog/life-negotiation/202106/are-introverts-more-effective-negotiators> [https://perma.cc/P5YY-Z7UH].

aggressive positions without inflaming the other party's ego.⁴⁴⁵ Their empathetic nature, in particular, is "an exceptional asset in negotiation toward conflict resolution."⁴⁴⁶ By approaching negotiation with empathy, introverts create a space where all parties can openly discuss their interests and aspirations.⁴⁴⁷ Introverts are also more likely to listen intently and invoke "the power of questions to gain a deeper understanding of the other party's needs in a negotiation."⁴⁴⁸ This innate propensity for negotiation emerges as early as childhood. For example, when asked how a group of children should share a toy, introverted children "tend to come up with sophisticated strategies."⁴⁴⁹

According to legal scholar and law professor Don Peters, introverts' tendency "to think through actions before acting connects to several important aspects of negotiation strategy and style."⁴⁵⁰ Introverts naturally pause before responding, which facilitates the use of silence as a negotiation tactic.⁴⁵¹ Silence can be a way to avoid answering certain questions if the other party is not willing to wait.⁴⁵² This tendency to think before responding also helps introverts "selectively disclose information," which is typically a major goal in negotiation.⁴⁵³ Relatedly, because of their inclination to use short and to-the-point verbal expressions, introverts are often better at streamlining their arguments.⁴⁵⁴ Concise offers and concessions are particularly effective in adversarial negotiation, where persuasion typically involves frequent interruptions, questions, and counter-contentions from opposing bargainers.⁴⁵⁵

Of course, there are upsides and downsides to every negotiation strategy, and introverts' tactics are no exception.⁴⁵⁶ Peters notes that "unacceptable offers should be rejected quickly to avoid inadvertent communication about goals and points of resistance."⁴⁵⁷ An introvert's pause in response to provocative statements could unintentionally send the message that the provocation was effective and should be repeated.⁴⁵⁸ Nonetheless, introverts' inclination toward preparation can counteract these kinds of negative outcomes.⁴⁵⁹ Preparing fallback options, for example, improves introverts' ability to react spontaneously to unexpected

445. See CAIN, *supra* note 32, at 216.

446. BROWN, *supra* note 27, at 48.

447. *Id.*

448. Watson, *supra* note 444.

449. *Id.* at 103.

450. Don Peters, *Forever Jung: Psychological Type Theory, the Myers-Briggs Type Indicator and Learning Negotiation*, 42 DRAKE L. REV. 1, 92 (1993).

451. *Id.*

452. *Id.*

453. *Id.* at 92–93.

454. *Id.*

455. See *id.* at 93.

456. See *id.*

457. *Id.*

458. *Id.*

459. See *id.* at 94.

behaviors.⁴⁶⁰ Some experts claim that “preparation accounts for up to forty-five percent of one’s success in a negotiation.”⁴⁶¹ Therefore, regardless of whether they encounter unexpected behaviors, introverts’ tendency to prepare more thoroughly than their extroverted counterparts places them at an advantage in negotiations.

In *Quiet*, Susan Cain describes her personal journey as an introverted lawyer, which began with a high-profile negotiation.⁴⁶² One day, after years of trying to fit herself into the extroverted lawyer mold, Cain was left to manage an important negotiation on her own.⁴⁶³ Rather than forcing herself to be aggressive and domineering, she decided to do what came naturally: she listened and asked questions.⁴⁶⁴ She patiently absorbed the opposing side’s rigid assertions and asked questions like, “Are you saying that’s the only way to go? What if we took a different approach?”⁴⁶⁵ Eventually Cain’s “simple queries shifted the mood in the room, just as the negotiation textbooks say they will.”⁴⁶⁶ The opposing side “stopped speechifying and dominance-posing,” and “started having an actual conversation.”⁴⁶⁷ At one point, an opposing party revved up again, throwing his papers down and storming out of the room.⁴⁶⁸ Cain ignored him, mostly because she did not know what else to do.⁴⁶⁹ Later on, she was told that she played a “good game of . . . ‘negotiation jujitsu’” at that “pivotal moment.”⁴⁷⁰ But Cain knew “she was just doing what you learn to do naturally as a quiet person in a loudmouth world.”⁴⁷¹ Not only did the two sides strike a deal, but opposing counsel offered Cain a job and the lead banker from the opposing side called to ask Cain if her firm would represent the bank in the future.⁴⁷² While only anecdotal, Cain’s story illustrates the “unique powers in negotiation” that introverts naturally wield.⁴⁷³ If those powers are respected and nurtured, introverted lawyers can play a pivotal role as negotiators and ultimately, as change agents for the entire legal profession.

460. *Id.*

461. Watson, *supra* note 444.

462. CAIN, *supra* note 32, at 7–10, 15.

463. *Id.* at 7.

464. *Id.* at 8–9.

465. *Id.* at 9.

466. *Id.*

467. *Id.*

468. *Id.*

469. *Id.*

470. *Id.*

471. *Id.*

472. *Id.*

473. *Id.* at 7–10, 15.

B. WHY FORCING INTROVERTS TO ACT MORE EXTROVERTED WILL NOT WORK

Many introverts have been told their entire lives to act like extroverts. When confronted with the reality that law school and the legal profession favor extroversion, people often suggest that introverts become—or at least pretend to become—more extroverted.⁴⁷⁴ But as Heidi Brown points out, this approach is antithetical to introverts' nature, ignores their authentic potential, and merely "censor[s] these impactful legal minds."⁴⁷⁵ Simply put, forcing introverts to become extroverts does not work.⁴⁷⁶ Introverts cannot will themselves to become more extroverted, just as extroverts cannot will themselves to become more introverted. The best anyone can do is *act* differently. But, when done too often or for too long, acting comes at a high price.

1. TEMPERAMENT IS BIOLOGICALLY PREDETERMINED

Most experts agree that temperament is, for the most part, fixed.⁴⁷⁷ Indeed, as discussed above, introversion and extroversion are biologically predetermined from birth.⁴⁷⁸ Where an individual falls on the temperament spectrum can be traced to measurable physiological and neurochemical differences.⁴⁷⁹ However, many experts also endorse "Free Trait Theory," which posits that individuals can and do act out of character for the sake of work they consider important.⁴⁸⁰ While there is a significant genetic aspect to temperament, our brains have also evolved "a neocortex, which enables us to override these biological impulses to act in a certain way."⁴⁸¹ When used selectively, this ability can be highly adaptive. An extrovert who cares deeply about issues of mental health, for example, might become a therapist. Even though this role requires her to listen more than she talks and think before she reacts, she is willing and able to express these "free traits" (i.e., traits that run against her temperament) in furtherance of her passion for mental health. Similarly, an introvert who is passionate about the environment, for example, might run for public office in order to affect environmental policy change. Holding public office requires him to give speeches and answer off-the-cuff questions from stakeholders, but he is willing and able to express

474. Hills & Argyle, *supra* note 310, at 597 ("The view that extraversion is a preferred state has come to be widely accepted among social psychologists."); *see, e.g.,* Sumathi Reddy, *How an Introvert Can Be Happier: Act Like an Extrovert*, WALL ST. J. (July 23, 2013), <https://www.wsj.com/articles/SB10001424127887324144304578621951399427408> [<https://perma.cc/3ALK-G328>].

475. BROWN, *supra* note 27, at 32, 179.

476. *Id.* at 179.

477. Zeidner, *supra* note 103, at 309–10.

478. *See id.* at 309.

479. *Id.* at 310.

480. Brian R. Little, *Personal Projects and Free Traits: Personality and Motivation Reconsidered*, 2 SOC. & PERSONALITY PSYCH. COMPASS 1235, 1235 (2008).

481. Craig Lambert, *Introversion Unbound*, HARV. MAG., July–Aug. 2003, at 12 (quoting Professor Brian Little).

these free traits in furtherance of his passion for environmental advocacy. Both people must act in ways that run counter to their natural temperaments, but only for short periods of time and for the sake of work they consider important.

2. ADVERSE HEALTH CONSEQUENCES

When done too often or for too long, acting against one's natural temperament can have dire physical and psychological consequences.⁴⁸² For example, research indicates that even short-term expression of free traits can cause tachycardia, a medical condition characterized by a fast and irregular heart rate.⁴⁸³ In the legal context, research also suggests that "potentially detrimental effects arise from asking lawyers to [change their personalities]."⁴⁸⁴ As discussed above, masking is one of the major stressors that cause students' mental health to decline over the course of law school.⁴⁸⁵ Researchers believe that forced personality changes might similarly "increase lawyer psychological distress and career dissatisfaction" after law school.⁴⁸⁶ Psychologist Brian Little, the leading expert on Free Trait Theory, believes that prolonged free-trait expression may also increase activity in the autonomic nervous system, which, in turn, compromises immune functioning.⁴⁸⁷ According to Little, free-trait behavior is only sustainable with the use of adequate restorative niches.⁴⁸⁸ A restorative niche is an activity or place where someone can nurture their temperament and recharge.⁴⁸⁹ For an introvert, the best restorative niche would be one of solitude and reduced stimulation; whereas an extrovert's ideal restorative niche would be stimulating and socially engaging.⁴⁹⁰

Even with appropriate restorative niches, "behavioral leakage" limits how much we can control our self-presentation.⁴⁹¹ Behavioral leakage is a phenomenon whereby the "true self seep[s] out via unconscious body language."⁴⁹² As Little explains, this can cause "reputational confusion," in which a person's reputation among their peers is different from who they really are.⁴⁹³ For example, the introverted public official described above might have a reputation as gregarious and effervescent among other politicians, even though his true nature is quieter and more reserved. He may feel obligated to sustain that reputation around his

482. Little, *supra* note 480, at 1237.

483. Joyce E. Bono & Meredith A. Vey, *Personality and Emotional Performance: Extraversion, Neuroticism, and Self-Monitoring*, 12 J. OCCUP. HEALTH PSYCH. 177, 177 (2007).

484. Daicoff, *supra* note 7, at 588.

485. See Soonpaa, *supra* note 116, at 364.

486. Daicoff, *supra* note 7, at 588.

487. CAIN, *supra* note 32, at 223.

488. Little, *supra* note 480, at 1248.

489. *Id.*

490. *Id.*

491. CAIN, *supra* note 32, at 212.

492. *Id.*

493. Little, *supra* note 480, at 1248.

political peers, even when the situation does not demand gregariousness or effervescence. As a result, he ends up engaging in more free-trait behavior than necessary, causing burnout and psychological distress. And when his true nature leaks out, his political peers may feel confused or uneasy about the apparent inconsistency in his personality. Therefore, even when free-trait expression does not cause physical or psychological distress, there are often other social consequences.

Ultimately, telling introverts to be more extroverted is “like telling your dog, ‘be a cat.’”⁴⁹⁴ It simply does not work. And while introverts can *act* like extroverts, such free-trait behavior is only sustainable in short bursts.⁴⁹⁵ It is time to abandon the unrealistic and damaging expectation that introverts become more extroverted. For the sake of the entire profession, we must find a new way forward.

IV. PROPOSED REFORMS

The legal profession is infamously wary of and resistant to change. And the tendency to expect introverted lawyers to be more extroverted remains pervasive. Most scholars who have written on this topic have either concluded that the legal profession is too rigid for change or have proposed reforms that would only perpetuate the status quo.⁴⁹⁶ For example, the last half of Heidi Brown’s book, *The*

494. BROWN, *supra* note 27, at 179.

495. It is worth noting that some studies, however, have found that free-trait behavior can increase well-being. One recent study found that acting extroverted for a week increased well-being, whereas acting introverted for a week decreased well-being. See Seth Margolis & Sonja Lyubomirsky, *Experimental Manipulation of Extraverted and Introverted Behavior and Its Effects on Well-Being*, 149 J. EXPERIMENTAL PSYCH. 719, 719 (2020). However, this study only spanned two weeks—one week where participants were instructed to act extroverted and one where they were instructed to act introverted—which is too short a duration to draw reliable conclusions about the effects of faking introversion or extroversion. *Id.* at 721. Researchers also failed to determine how many of the participants were introverts and how many were extroverts. *Id.* They concluded that their results were “not moderated by baseline levels of extraversion” but failed to specify what those baseline levels were and whether they also measured baseline levels of introversion. *Id.* at 726. Because other research has found that introverts experience greater emotional distress when faking extroversion than extroverts do when faking introversion, the failure to examine participants’ natural temperaments in this study arguably negates its findings. See, e.g., Timothy A. Judge, Erin Fluegge Woolf & Charlice Hurst, *Is Emotional Labor More Difficult for Some than for Others? A Multilevel, Experience-Sampling Study*, 62 PERS. PSYCH. 57, 75 (2009) (concluding that changing one’s temperament has “lower negative affect for extraverts” and “higher negative affect for introverts”). Moreover, as is the case with many of these studies, researchers failed to properly account for the fact that extroversion is culturally favored in our society. See Margolis & Lyubomirsky, *supra*, at 721. To guard against this cultural bias, they instructed participants to act in accordance with “socially desirable” introverted traits—e.g., deliberate, quiet, and reserved—and “socially desirable” extroverted traits—e.g., talkative, spontaneous, and assertive. *Id.* But this begs the question, are quiet and reserved actually “socially desirable” traits in Western culture? It seems equally plausible that participants reported higher levels of well-being during the extroverted week because they felt more accepted by those around them—not because acting extroverted, in and of itself, increases well-being. And should we really be encouraging individuals to change their biologically determined nature, rather than encouraging society to change its bias against certain personalities?

496. See, e.g., Daicoff, *supra* note 7, at 19.

Introverted Lawyer, outlines a “seven-step journey” for introverted lawyers to succeed in an extroverted profession.⁴⁹⁷ At the same time as she touts the gifts introverts bring to the practice of law, Brown recommends ways they can change themselves to fit the extroverted-lawyer mold. But given the tripartite crisis and its connection to the “lawyer personality,” should we really be encouraging introverted lawyers to perpetuate the status quo? Susan Daicoff similarly assumes that the profession is incapable of real change. In her latest work on the tripartite crisis, Daicoff offers—but ultimately rejects—several solutions to the problems plaguing the legal field.⁴⁹⁸ Each of these proposed solutions would require fundamental changes to the “lawyer personality” and the legal profession’s value system, which, according to Daicoff, is unrealistic. However, Daicoff fails to consider the possibility of introverted lawyers as change agents. Introverts naturally possess many of the personality traits and personal values that Daicoff claims are missing from the legal profession. If given the freedom to be true to themselves, introverted lawyers’ mere presence in the profession has the potential to revolutionize the practice of law.

Many of the solutions that Daicoff considers impractical are quite attainable with introverted lawyers at the helm. First, Daicoff suggests that lawyers should work less and make less money.⁴⁹⁹ This solution, she concludes, would be unworkable because it “would require attorneys to become less materialistic and less motivated to earn money” and “would conflict with lawyers’ competitiveness.”⁵⁰⁰ In essence, lawyers would need to fundamentally change their reward drive, which is an unrealistic expectation. However, while it may be unworkable for *extroverted* lawyers to make such drastic personality changes, these traits are inherent in introverts, who “enjoy relative freedom from the temptations of superficial prizes like money and status.”⁵⁰¹

Daicoff also recommends changes to the lawyer-client dynamic.⁵⁰² Lawyers, she urges, “should be more caring, listen more to their clients, treat clients more humanistically, work as collaborative problem solvers, and utilize an ethic of care in representing clients.”⁵⁰³ But “[i]n order for lawyers to establish better lawyer-client and inter-lawyer relationships, become more client-centered, be more oriented towards solving problems (as opposed to litigating), and adopt moral lawyering, they would need to become more sensitive to interpersonal concerns.”⁵⁰⁴ Daicoff concludes that such a drastic change is unfeasible. But again, while this change may be unfeasible for extroverted lawyers, these skills go

497. BROWN, *supra* note 27, at 67.

498. See generally Daicoff, *supra* note 7.

499. *Id.* at 567.

500. *Id.* at 568.

501. CAIN, *supra* note 32, at 173.

502. Daicoff, *supra* note 7, at 574.

503. *Id.* at 574.

504. *Id.* at 587.

hand-in-hand with introversion. Introverts are inherently more sensitive to interpersonal concerns, tend to listen more than they talk, and gravitate toward problem solving.⁵⁰⁵ Finally, Daicoff recommends that lawyers adopt an “ethic of care.”⁵⁰⁶ This would require lawyers “to truly empathize with the client’s situation,” “identify the client’s actual needs instead of what the lawyer decides is best for the client,” and “view the opposing side and counsel in an empathetic way.”⁵⁰⁷ Daicoff rejects this solution as, again, too drastic. However, this solution would not require introverted lawyers to make any changes at all. Introverts are inherently more empathetic and use a deferential and collaborative leadership style.⁵⁰⁸

Ultimately, Daicoff concludes that these solutions are unlikely to succeed because they would require “radical changes in attorney personality, legal education, and possibly even the type of individual who is attracted to law school.”⁵⁰⁹ But those are the exact changes necessary to address the crisis the legal profession now faces. And they are not as radical as Daicoff believes. Lawyers do not need to change their personalities; they merely need the freedom to be true to their nature. Nor do we need to change the types of people who are attracted to law school; introverts are already among us. They just need permission to be themselves. In fact, an estimated sixty percent of lawyers are introverts.⁵¹⁰ Why, then, do we extol the Extrovert Ideal? Most of us do not fit the lawyer “norm.” And even if we did, this so-called “norm” only reinforces the tripartite crisis we all now face. We must forge a new path. With a few (much needed) reform efforts, we can start to build a profession where introverts and extroverts alike are free to cultivate their own authentically empowered style of advocacy.

A. LEGAL EDUCATION

While it is true that legal education needs to be reformed—perhaps radically so—those changes are attainable and, ultimately, well worth the effort. By decreasing reliance on LSAT scores in admissions, incorporating personality testing, and/or changing the method of law school instruction and grading, we can address the root causes of the tripartite crisis.

505. See CAIN, *supra* note 32, at 11 (stating that introverts “listen more than they talk,” “tend to dislike conflict,” and “enjoy deep discussions”).

506. Daicoff, *supra* note 7, at 574.

507. *Id.* at 578–79.

508. See CAIN, *supra* note 32, at 57 (“Because of their inclination to listen to others and lack of interest in dominating social situations,” introverted leaders “are more likely to hear and implement suggestions.”), 111 (stating that introverts are “exceedingly empathic, caring, and cooperative”).

509. Daicoff, *supra* note 7, at 579.

510. Gordon, *supra* note 295.

1. DECREASE RELIANCE ON THE LSAT

Reforming legal education begins with the law school admission process. As discussed above, this process centers, by and large, on the LSAT. While reliance on a single score as a proxy for merit makes admissions faster and less labor-intensive, a standardized test cannot predict whether an applicant is a good “fit” for the profession.⁵¹¹ Legal scholar Jennifer Jolly-Ryan recommends that admissions committees take a much more thorough approach centered around the question of “fit,” which “includes not only an applicant’s intellectual ability—perhaps measured quantitatively by undergraduate grade point average and LSAT scores—but also the disposition and people skills necessary to be an effective and competent legal advocate.”⁵¹²

The LSAT, Jolly-Ryan explains, “negatively correlates with ‘community activism, social empathy, a desire to help others in trouble, and wanting to make a contribution to knowledge’”—all of which are key lawyering skills.⁵¹³ By relying on LSAT score, schools “screen out the very kinds of law students who would make good lawyers” and “would most likely be the happiest and most mentally-stable” in the profession.⁵¹⁴ Instead, Jolly-Ryan proposes a holistic application review process considering the following criteria:

- (1) a decision to attend law school after careful analysis of the time, effort, and money involved; (2) a realistic expectation of what life as a lawyer will be like and the career options a law degree will offer; (3) a unique or focused commitment to justice or the legal profession; (4) a track record of community service to back up stated objectives; (5) life experiences that have exposed the applicant to injustices or struggles the applicant states he or she would like to correct; and (6) a background in subject areas previously studied that connect the applicant to a current interest in the law.⁵¹⁵

No doubt this kind of evaluation is more time- and labor-intensive than relying on the LSAT. It is also “squishier”—something that lawyers tend to despise. But screening for applicants for “fit” now saves time and effort trying to weed through the pool of lawyers later. That said, it is important to acknowledge that screening candidates for “fit” can be highly subjective and thus has the potential to enable bias and racism in the admissions process. However, applying well-researched diversity, equity, and inclusion (“DEI”) principles to the admissions process could aid in increasing diversity in all forms. Candidates’ commitment to DEI could even be one of the admissions criteria. Some schools have already started

511. See Jolly-Ryan, *supra* note 24, at 119.

512. *Id.* at 118.

513. *Id.* at 120 (quoting Richard Delgado, *Official Elitism or Institutional Self-Interest? 10 Reasons Why UC-Davis Should Abandon the LSAT (And Why Other Good Law Schools Should Follow Suit)*, 34 U.C. DAVIS L. REV. 598, 608 (2001)).

514. *Id.* at 120.

515. *Id.* at 121 (internal quotation marks omitted).

incorporating this approach by inviting candidates to submit personal diversity statements describing their past contributions and ongoing commitment to DEI. The University of Washington, which is one of the schools using personal diversity statements, provides helpful guidelines about how these statements should, and should not, be used to inform admissions.⁵¹⁶

Decreased reliance on the LSAT also sends a message about the profession's values: there is no one "right" way to be a lawyer. The practice of law requires a wide range of traits and abilities, most of which cannot be measured by a standardized test. Undergraduate admissions have moved away from reliance on the Scholastic Assessment Test ("SAT"). Many do not even require students to disclose their SAT score.⁵¹⁷ Law school admissions are certainly capable of doing the same.

2. INCORPORATE PERSONALITY TESTING INTO LEGAL EDUCATION

A number of legal scholars have urged law schools to incorporate personality testing as a way to help students gain self-awareness, learn to manage stress, prevent addiction, and become legal professionals that enjoy and thrive in their careers.⁵¹⁸ With the aid of personality testing, students can develop acceptance of themselves and appreciation of their needs, preferences, and responses to circumstances in their lives.⁵¹⁹ The more students understand themselves, the more they can take care of their needs and guard against the mental health issues that often arise in law school.⁵²⁰ By incorporating personality testing into the curriculum, "[l]aw schools will be providing tools to students that deter stress and depression, which will ultimately break the cycle of lawyer dissatisfaction."⁵²¹ Personality testing can also help students find a path in the legal field that is best suited to their strengths and preferences. For example, transactional law or appellate practice may be a particularly good fit for introverts due to the detailed, analytical, and writing-intensive nature of those practice areas. Appellate clerkships, which are writing- and research-intensive with an emphasis on in-depth analyses, are also a particularly good fit for introverts. With increased self-awareness from personality testing, students would be empowered to find a career path that plays to their strengths and dovetails with their personal preferences. In terms of interpersonal relations, personality testing would help students gain insight into those

516. See *Tools for Evaluating Applicants*, U. WASH. HUM. RES., <https://hr.uw.edu/diversity/hiring/tools-for-evaluating-applicants/> [<https://perma.cc/QNZ5-8KMQ>] (last visited May 5, 2022).

517. Kelly Mae Ross, Ilana Kowarski & Josh Moody, *21 Top Colleges That Are Flexible with Test Scores*, U.S. NEWS & WORLD REP. (Oct. 29, 2021), <https://www.usnews.com/education/best-colleges/slideshows/20-top-ranked-colleges-that-are-flexible-with-test-scores> [<https://perma.cc/UQ9V-3JU6>].

518. Collins, *supra* note 201, at 6.

519. *Learning About Your MBTI*, MYERS & BRIGGS FOUND., <https://www.myersbriggs.org/my-mbti-personality-type/my-mbti-results/learning-about-your-mbti.htm> [<https://perma.cc/H92N-N8PA>] (last visited May 4, 2022).

520. Collins, *supra* note 201, at 18.

521. *Id.* at 23.

around them. With this insight, students would be “more likely to understand that someone of another [personality] type provides a viewpoint that [they] may be missing,” which fosters an environment of ingenuity and acceptance.⁵²²

Furthermore, personality testing could help professors “adjust to and meet the variety of learning needs and teaching styles in every classroom,” which would, in turn, decrease stress.⁵²³ In the context of temperament, an enhanced understanding of personality types would help “law professors to recognize that introverted or quiet law students should not be discounted as ‘not lawyer material’ but . . . may possess overlooked attributes including deeper legal insights and thoughtful analyses.”⁵²⁴ Professors often assume that quiet students are distracted, unmotivated, or unintelligent.⁵²⁵ With the aid of personality tests, however, professors can gain insight into “different learning styles, personality types’ reactions to Socratic questioning, and new methods of teaching different types.”⁵²⁶ Employers, including those in the legal field, have increasingly started to use personality testing to select candidates who are a good “fit” and help employees understand how to work and interact with one another.⁵²⁷ Law schools can easily do the same.

3. CHANGE THE METHOD OF LAW SCHOOL INSTRUCTION

The most important reform efforts, however, are in the teaching realm. Despite decades of criticism, law school instruction continues to rely on an array of misconceptions about who is, and who is not, cut out for lawyering. Professors rarely honor the students who “just” listen. Law school instruction and grading structures are often based on class participation and performance-oriented events, “favoring extroverts who comfortably engage in class discussions, group work, simulated client scenarios, and mock arguments.”⁵²⁸ Introverted students are left feeling inadequate and unequipped for the practice of law. This is particularly troubling, given that more than half of all lawyers are introverts.⁵²⁹

522. MYERS & BRIGGS FOUND., *supra* note 519.

523. Soonpaa, *supra* note 116, at 363–64.

524. Brown, *supra* note 73, at 293–94.

525. *Id.* at 297.

526. Collins, *supra* note 201, at 2.

527. Eve Tahmincioglu, *Employers Turn to Tests to Weed Out Job Seekers*, NBC NEWS (Aug. 14, 2011, 6:28 PM), https://www.nbcnews.com/id/wbna44120975#.U_TsT7xdV_9 [https://perma.cc/T2DF-RU2T] (discussing the increased use of personality tests in the hiring process); Sherrie Haynie, *Should Personality Assessments Be Used in Hiring?*, FORBES (June 3, 2021, 8:00 AM), <https://www.forbes.com/sites/forbescoachescouncil/2021/06/03/should-personality-assessments-be-used-in-hiring/?sh=b1202a637c07> [https://perma.cc/GBQ8-NZQP] (discussing the importance of using the “right” personality test in conjunction with other tools).

528. BROWN, *supra* note 27, at 31.

529. Gordon, *supra* note 295.

a. Eliminate the Socratic Method

The most obvious (and necessary) reform is to discontinue the Socratic method in all its forms. As Heidi Brown has emphasized, “[l]aw school should not be an assembly line of loquacious, verbally slick extroverts. We need to make room for the quiet and empathetic writers and thinkers, and for the internally methodical analytical minds.”⁵³⁰ To be sure, some legal work requires oral advocacy and public speaking skills. But most does not. Writing and research skills, by contrast, play a central role in every area of legal practice. Indeed, multiple Supreme Court Justices have confirmed that writing is far more important than oral advocacy skills. According to the late Justice Ruth Bader Ginsburg, “there is near-universal agreement” among federal judges that “the brief is more important—certainly it is more enduring”—than the oral argument.⁵³¹ The late Justice William Rehnquist similarly explained that, because “the written brief has largely taken the place that was once reserved for oral argument,” “an ability to write clearly has become the most important prerequisite” for lawyers, particularly in appellate practice.⁵³² At a minimum, law school teaching methods should reflect the reality that writing—and not oral advocacy—is the most important skill in the legal profession. Beyond that, though, the continued reliance on the Socratic method alienates students who may possess other, more important competencies, like writing, research, and soft skills. These students, many of whom are introverts, are forced to hone skills that do not come naturally *and* that are not integral to the legal profession. In order to spark true and lasting change, we must make room for a wider range of personalities. But the Socratic method has become a barrier, forcing those who do not fit the “lawyer mold” to transform themselves (as best they can). Instead of relying on the Socratic method, professors should simply allow students to learn at their own pace and in their own way. Rather than calling on students at random, class participation could be voluntary. That way, students who need to think before they speak would have a chance to formulate their thoughts before voicing them. Alternatively, professors who cannot bear to eliminate the Socratic method without replacing it could instead use a written form of the Socratic method. For example, students could be given in-class written prompts about the assigned readings at the start of class. Or the Socratic method could be reserved for classes in subject areas that require oral advocacy, like trial practice. But regardless of how it happens, reduced reliance on the Socratic method is an imperative—an indispensable prerequisite—for addressing the tripartite crisis and reforming the legal profession.

530. *Id.* at 32.

531. Ruth Bader Ginsburg, *Remarks on Appellate Advocacy*, 50 S.C. L. REV. 567, 567–68 (1999).

532. William H. Rehnquist, *From Webster to Word-Processing: The Ascendance of the Appellate Brief*, 1 J. APP. PRAC. & PROCESS 1, 3 (1999).

b. Incorporate Soft-Skill Training

Another commonly touted and equally important reform effort is to incorporate soft-skill training into the law school curriculum. As countless legal scholars have pointed out, the lack of training in soft skills “is a mistake that can affect a lawyer’s ability to communicate with juries, clients, and the other non-lawyers with whom a lawyer comes into contact.”⁵³³ In response to this criticism, some law schools have started to include soft-skills-based classes in their curriculum. Because most soft skills—e.g., empathy, communication, professionalism, and leadership—are behavioral skills, instruction in this area must involve: “(1) having someone model and explain the behavior; (2) having the student practice the behavior; and (3) providing useful individual feedback.”⁵³⁴ For example, Joshua Rosenberg, a law professor at the University of San Francisco, teaches an elective class called “Interpersonal Dynamics,”⁵³⁵ which aims to instill empathy in students as a foundation for their personal moral codes.⁵³⁶ As Rosenberg explains, one of the main goals of the class is to increase students’ awareness of their own thoughts, feelings, motivations, and behaviors. By learning to slow down the thoughts and feelings that motivate their behavior, students “attain self-knowledge in the service of more effective [and ethical] behavior.”⁵³⁷ In order to create a safe space, Rosenberg splits the class into small groups, each of which has two faculty supervisors.⁵³⁸ Rather than lecturing or questioning, professors simply encourage students to reveal thoughts and feelings they may be having in reaction to the group discussion.⁵³⁹ Occasionally, the professors point out aspects of the group or individual process that may divert the group from its learning goals.⁵⁴⁰ Ultimately though, students do most of the learning on their own, simply by communicating their reactions to each other.⁵⁴¹ This class has been taught at the University of San Francisco for over two decades with remarkable results. Not only do classes like “Interpersonal Dynamics” teach integral lawyering skills, but they also foster an environment of acceptance and inclusion. These classes play to introverts’ natural skillsets and provide an opportunity for introverted students to hone those skills. Ideally, such classes would be part of the first-year core curriculum, rather than just offered electives.

Alternatively, some scholars have posited that legal writing holds the key to incorporating soft skill training into the law school curriculum. “Writing is an

533. Gallacher, *supra* note 270, at 1.

534. Joshua D. Rosenberg, *Teaching Empathy in Law School*, 36 U.S.F. L. REV. 621, 637 (2002).

535. LAW 831 - *Interpersonal Dynamics*, UNIV. OF S.F., https://catalog.usfca.edu/preview_course_nopop.php?catoid=35&coid=531662 [<https://perma.cc/QH2K-M2DD>] (last visited Mar. 5, 2022).

536. Rosenberg, *supra* note 534, at 634–35.

537. *Id.* at 657.

538. *Id.* at 647.

539. *Id.* at 647–48.

540. *Id.* at 648.

541. *Id.*

empathetic act,” legal scholar Ian Gallacher explains, “the goal of persuasive writers is to place themselves in their audience’s minds in order to understand how best to influence them while they make their decisions.”⁵⁴² Legal writing instruction “could easily be adapted so that empathy could take its place besides the more traditional law school emphasis on logical analysis.”⁵⁴³ Typically, legal writing assignments are intended to reinforce lessons of structure and logical analysis learned in the classroom. But as Gallacher points out, writing assignments “can be designed to stimulate a student’s empathetic response by contextualizing legal analysis more realistically than can be achieved in [the typical classroom].”⁵⁴⁴ He suggests that schools expand the number of legal writing courses offered and tailor the focus of those classes to soft skills.⁵⁴⁵ Assignments could involve responding compassionately to an angry email from opposing counsel or delivering bad news to a vulnerable client, both of which require writers to put themselves in another person’s shoes and imagine what that person might be feeling. Soft-skill-focused writing courses would foster an environment of acceptance and inclusion, as well as provide an opportunity for introverted students, in particular, to hone their natural skillsets.

c. More Emphasis on Papers and Take-Home Exams

Relatedly, experts have increasingly criticized law schools’ reliance on timed in-class exams and advocated instead for papers and take-home exams as the primary methods for evaluating student performance. During the COVID-19 pandemic, many schools transitioned to papers and take-home exams without issue.⁵⁴⁶ There is no reason why those methods could not become the norm. Researchers like William Henderson have repeatedly found that papers and take-home exams are a “closer analog to the practice of law.”⁵⁴⁷ Not only do papers and take-home exams mirror legal practice more accurately, but they also play to introverts’ strengths: writing, research, thoroughness, and deep analysis. Without the time pressure of an in-class exam, introverted students can freely hone the skills that are both natural to them and crucial in the legal profession.

d. Public Speaking Support

Finally, law schools should offer public speaking support, rather than simply throwing students into the fire with the Socratic method. Not all introverts—or shy and socially-anxious students, for that matter—want to avoid litigation. For

542. Gallacher, *supra* note 270, at 2.

543. *Id.*

544. *Id.* at 44.

545. *Id.*

546. Karen Sloan, *A Little Less Pressure with Law School Final Exams Amid COVID-19*, LAW.COM (Apr. 29, 2020, 11:43 AM), <https://www.law.com/2020/04/29/a-little-less-pressure-with-law-school-final-exams-amid-covid-19/> [<https://perma.cc/HP56-RX9J>].

547. Henderson, *supra* note 121, at 982.

those students who struggle with public speaking but want to improve, schools should offer more support for public speaking anxiety. Although law schools offer an array of support for students struggling in other areas, very few offer support for students with public speaking anxiety.⁵⁴⁸ New York Law School is one of the few schools that does provide public speaking support.⁵⁴⁹ In 2012 and 2013, the school offered a five-part Overcoming Public Speaking Anxiety (“OPSA”) workshop series that helps students prepare for their first-year oral arguments.⁵⁵⁰ The first three workshops focused on helping students identify their “nervous profiles,” reflect on past negative experiences and personal narratives about public speaking, and understand their physical responses to stress.⁵⁵¹ The fourth workshop focused on establishing new coping techniques and developing physical and psychological “pre-game” routines for public speaking events.⁵⁵² The final workshop “presented strategies for re-framing and re-inventing oneself for a particular public speaking scenario.”⁵⁵³ Similarly, the University of North Carolina School of Law offers an oral argument support group in which first-year students are paired with an upperclassman mentor.⁵⁵⁴ Both programs were “cost effective, easy to implement,” and had substantial positive impact on students.⁵⁵⁵ Other schools could easily follow suit. With proper instruction, shy, socially anxious, or introverted students may well become powerful orators, melding their newfound public speaking skills with preexisting skills like empathy or emotional intelligence.

B. LEGAL PRACTICE AND CULTURE

1. ALTER WORKPLACE OPERATIONS

While many of the issues in the legal profession stem from law school, there are a number of important reform efforts specific to legal practice and the post-law-school professional culture. Introverted lawyers can lead the way to a bright future for the profession, but their efforts will be seriously hampered if they continue to be funneled into an extrovert-driven environment. In order to realize the full potential of introverted lawyers, employers must examine their own workplace operations and hiring practices to identify areas that have been hijacked by the Extrovert Ideal. Workplace operations are decidedly biased against

548. Brown, *supra* note 73, at 293.

549. *Id.* at 331.

550. *Id.* at 334.

551. *Id.*

552. *Id.*

553. *Id.*

554. *Id.* at 332.

555. *Id.* at 331, 335.

introverts.⁵⁵⁶ The pressure on introverted employees can even “be felt in seemingly minor office ‘rules’ such as prohibiting or discouraging the closing of office doors or the pressure to socialize in large groups.”⁵⁵⁷ Experts have suggested numerous ways for legal employers to alter their operations, with very little effort, to be more introvert friendly. Because introverts thrive in quiet, reflective, private workspaces, Heidi Brown recommends providing reasonable time and space for introverted lawyers “to work in an environment in which they thrive: closed doors, minimized or no external distractions or competing stimuli, and reasonably appropriate time to read, think, and write deeply about legal concepts.”⁵⁵⁸ Another scholar suggests that associates be allowed to offer advice in private settings “so that introverted associates are more comfortable conveying opinions.”⁵⁵⁹ He also urges employers to limit the number of social events they host each year and make those events truly optional.⁵⁶⁰ Fewer social events would have the added benefit of limiting the opportunities for work-sponsored alcohol consumption, which could decrease the incidence of alcoholism and other substance abuse disorders in the legal profession overall. Other experts suggest that employers tailor group work sessions to appeal to both introverts and extroverts.⁵⁶¹ For example, employers could allow time for group problem solving aloud, as well as “silent brainstorming.”⁵⁶² Employers could “[c]reate a silent brainstorm by carving out time for everyone to work alone and quietly for part of the session,” and then “invite people to share what they came up with on their own” either aloud or in a more anonymous fashion, such as writing ideas on slips of paper.⁵⁶³ None of these ideas would be onerous to implement in any way. They entail no financial expense and very little adjustment on the part of other employees. And the benefits of these minor alterations would be immeasurable for introverted lawyers.

2. CHANGE HIRING PRACTICES

Additionally, legal employers, their employees, and introverted candidates would all benefit from revised hiring practices. “Because introverts process new

556. Raza & Liu, *supra* note 37, at 47; *see also*, Quinisha Jackson-Wright, *To Promote Inclusivity, Stay Away from Personality Assessments*, N.Y. TIMES (Aug. 29, 2019), <https://www.nytimes.com/2019/08/22/smarter-living/inclusivity-diversity-personality-assessments-myers-briggs.html> [<https://perma.cc/4NG4-BR88>].

557. Raza & Liu, *supra* note 37, at 47.

558. BROWN, *supra* note 27, at 182.

559. Jordan Rothman, *Introverted Associates Should Be More Welcomed at Law Firms*, ABOVE THE L. (July 9, 2021), <https://abovethelaw.com/2021/07/introverted-associates-should-be-more-welcomed-at-law-firms/> [<https://perma.cc/V35Z-3MTG>].

560. *Id.*

561. Yvonne Nath, Larry Richard & William M. Washington, III, *Communication Advice for Introverted Leaders in Law Firms*, JDSUPRA (Aug. 27, 2020), <https://www.jdsupra.com/legalnews/communication-advice-for-introverted-16233> [<https://perma.cc/9AEU-XR4T>].

562. *Id.*

563. *Id.*

queries and concepts internally and like to vet and test ideas or responses to questions before articulating them aloud, spontaneous discourse is not always fluid.”⁵⁶⁴ As a result, introverted candidates tend not to interview as well as their extroverted counterparts. In order to get a full picture of each candidate, Heidi Brown recommends that employers ask job candidates, in advance, whether they self-identify as introverts or extroverts.⁵⁶⁵ Of course, this model depends on applicants’ ability to self-identify and would only benefit those who consider themselves to be far on the introvert end of the temperament continuum. Nonetheless, it could help interviewers evaluate each candidate in the context of his or her temperament. It would also give employers the opportunity to offer introverted candidates an alternative to a traditional interview. These candidates could, for example, write out answers to interview questions before a face-to-face meeting.⁵⁶⁶ Interviewers could also ask self-identified introverted candidates about the application of introverted strengths to legal practice.⁵⁶⁷ Or employers could give candidates a quiet space and reasonable time to mark up a draft contract or brief.⁵⁶⁸ This simulation would allow applicants to “show their analytical techniques, thought processes and editing style instead of telling the interviewer about their approach to this type of activity.”⁵⁶⁹ For example, one law firm that was expressly seeking talented writers asked candidates to submit a 750-word essay explaining why a particular novel of their choice should have won a Pulitzer Prize.⁵⁷⁰ This exercise gave introverted candidates a chance to showcase their strengths and provided the firm with a more reliable gauge of each candidate’s “fit” for the particular position. At a minimum, asking about candidates’ temperaments communicates inclusivity and normalizes introversion in the legal profession. By vetting for introversion and/or offering alternatives to the traditional job interview, employers can create a more accepting, and ultimately more effective, workplace. On a larger scale, these revised hiring practices would send the message that the legal profession values introverts just the way they are.

3. INCREASE AWARENESS

“In pushing forward to improve diversity,” legal employers need to realize that the issues are “not limited to whom they hire” but also include “what happen[s] to those diverse employees after they joined the company, and why.”⁵⁷¹ The ABA has increasingly stressed the importance of “educational programs that

564. Brown, *supra* note 295, at 22.

565. *Id.*

566. *Id.*

567. *Id.*

568. *Id.* at 23.

569. *Id.*

570. *Id.* at 22.

571. Christopher A. Pickett, *A Holistic Approach to True Law Firm Diversity*, 25 No. 9 WESTLAW J. ANTITRUST 15, at *1 (Dec. 13, 2017).

provide members of the legal profession with greater awareness of issues like bias (both explicit and implicit) in the workplace and strategies to eliminate it.”⁵⁷² In some states, lawyers are required to complete continuing legal education (“CLE”) programs that address these types of issues.⁵⁷³ The Colorado Supreme Court, for example, recently added a new CLE credit requirement for DEI training.⁵⁷⁴ The current courses focus primarily on race, ethnicity, and gender but could also provide education about personality and temperament. Beyond addressing the bias against introversion, these programs would help lawyers better understand themselves and those around them.

Similar educational initiatives could also be implemented within individual workplaces and offices. Personality testing has been used in the professional space for decades as a way to understand ourselves and our colleagues. Instead of assigning personality labels, many of these tests simply highlight preferences or needs that can facilitate constructive dialog between colleagues about how to communicate and work together.⁵⁷⁵ For example, one of the scales used in the Myers-Briggs test is “P” for perceiving, which indicates a preference for flexibility and spur-of-the-moment plans, rather than schedules.⁵⁷⁶ Someone who scores as “P” may tend to run late.⁵⁷⁷ With knowledge of the “P” trait, this person’s colleagues can recognize that her lateness is not indicative of disrespect or selfishness; it’s part of who she is and something they can talk about together.⁵⁷⁸ “Personality tests can also serve as a reminder that not everyone sees the world the same way.”⁵⁷⁹ They provide a language for talking about differences and how to “marshal the strengths of those differences.”⁵⁸⁰ They open the door to conversations that are often difficult or uncomfortable to initiate.

As some critics have pointed out, however, personality testing in the workplace also carries huge risks.⁵⁸¹ Unless coupled with education about the true meaning of certain traits, personality styles, or temperaments, personality testing can actually work to increase bias. One communications consultant described an

572. Allison E. Laffey & Allison Ng, *Diversity and Inclusion in the Law: Challenges and Initiatives*, AM. BAR ASS’N (May 2, 2018), <https://www.americanbar.org/groups/litigation/committees/jiop/articles/2018/diversity-and-inclusion-in-the-law-challenges-and-initiatives> [<https://perma.cc/6ZAW-42A7>].

573. *Id.*

574. Colo. Jud. Branch, Rule Change 2021(05), Colorado Rules of Procedure Regarding Attorney Discipline and Disability Proceedings, Colorado Attorneys’ Fund for Client Protection, and Mandatory Continuing Legal Education and Judicial Education, [https://www.courts.state.co.us/userfiles/file/Court_Probation/Supreme_Court/Rule_Changes/2021/Rule%20Change%202021\(05\).pdf](https://www.courts.state.co.us/userfiles/file/Court_Probation/Supreme_Court/Rule_Changes/2021/Rule%20Change%202021(05).pdf) [<https://perma.cc/WS8Y-UMS7>].

575. Bryan Lufkin, *The Helpful Upside of Office Personality Tests*, BBC (Nov. 1, 2019), <https://www.bbc.com/worklife/article/20191030-the-helpful-upside-of-office-personality-tests> [<https://perma.cc/P2L4-AZA4>].

576. *Id.*

577. *Id.*

578. *Id.*

579. *Id.*

580. *Id.*

581. See Jackson-Wright, *supra* note 556.

instance where a “team member was characterised as an ‘introvert’ who didn’t speak up in big meetings and therefore other team members didn’t engage with him.”⁵⁸² But when used in tandem with other reform strategies, personality testing can prompt self-reflection and cultivate valuable dialog between colleagues. CLEs can provide the educational backdrop for progressive, effective use of personality tests in the workplace. Had the aforementioned employee’s colleagues understood the true meaning of introversion, they could have used that information to hold space for him to participate in meetings or to open a conversation about his preferences for contributing ideas. If nothing else, personality tests and education about personality differences can spur a much-needed conversation about diversity and inclusivity in the profession overall.

4. FORM AN INTROVERTED LAWYERS BAR ASSOCIATION

Lastly, many groups who have traditionally been excluded from the legal profession—such as women and ethnic or racial minorities—have formed bar associations as a way to combat discrimination and cultivate solidarity.⁵⁸³ Introverted lawyers, of course, are not a minority. Their plight does not even scratch the surface of the marginalization that many minority groups have faced and continue to face. Nonetheless, introverted lawyers could similarly use bar associations to increase acceptance and inclusion. And because introversion spans all races, genders, ethnicities, and religions, it would offer an opportunity for lawyers from diverse backgrounds to connect and generate new ideas about how to cultivate a more accepting profession overall.

CONCLUSION

Of course, none of these proposed reforms is a fix-all solution. The bias against introversion is pervasive and deeply rooted in the legal profession. This bias is at the heart of the tripartite crisis, though it is not the only contributing factor. However, by addressing the bias against introversion, we can create a space where introverted lawyers—the majority of us—are free to embrace our authentic selves. Introverted lawyers have enormous potential as change agents for the profession, but they cannot come into this role if we continue forcing them into a narrow, extrovert-shaped mold. To be clear, introverted lawyers are not *better* than extroverted lawyers. All temperaments have important competencies and skills to offer, as well as flaws and limitations. Homogeneity in any form is debilitating; all industries and workplaces need a mixture of personality styles in order to function efficiently and effectively. But introversion has been chronically devalued, and even discouraged, in the legal profession. Many lawyers and legal professionals continue to conflate introversion, shyness, and social anxiety. Even those

582. *Id.*

583. See, e.g., NAT’L CONF. OF WOMEN’S BAR ASS’NS, <https://ncwba.org/> [<https://perma.cc/FDD6-TUVP>]; NAT’L CONF. OF BLACK LAWS., <https://www.ncbl.org/> [<https://perma.cc/ZSZ3-5MRW>].

who do understand this distinction tend to be unaware of the strengths that introverted lawyers naturally possess. Starting with the law school admission process, nearly every facet of the legal profession is tailored to extroverts. The result is facial homogeneity—an environment that *appears* to be comprised entirely of extroverts. Even though most lawyers are introverts, we force them to conceal their introversion. Instead of capitalizing on their introverted strengths, these lawyers expend most of their energy adopting an extroverted façade.

Regardless of whether it is real or feigned, the “lawyer personality” lies at the heart of the tripartite crisis the legal profession now faces.⁵⁸⁴ In order to resolve this crisis, we must first address the underlying personality-related issues. Susan Daicoff, who first identified the tripartite crisis, considers these personality-related issues insurmountable. While some of the proposed reforms are substantial undertakings, others can be implemented *today* with little cost or effort. By accepting and empowering introverted lawyers, the legal profession can begin to address and counteract the tripartite crisis. Introverted lawyers’ empathetic nature and strict morality can be a counterbalance to the unethical and unprofessional behavior that has become pervasive in the legal profession. With their leadership and negotiation styles, problem-solving skills, and indifference to external rewards, introverted lawyers can dilute the negative public perception of lawyers as aggressive, domineering, and materialistic. A more introvert-friendly profession will also increase acceptance and inclusivity overall, which can counteract the mental health issues and career dissatisfaction that plague many lawyers. With introverted lawyers at the helm, we can reverse the tripartite crisis and revolutionize the legal profession.

584. Goldfien, *supra* note 26, at 188.