

Fear and adrenaline stress – welcome to the world of lawyers

*(excerpt from the upcoming “Why Lawyers Suck and What You Can Do About It”
by Melody A. Kramer, publication date February 2014)*

Everyone has a primitive reaction to fear. Fear sets off a complex set of physiological reactions in the body that gets you ready for fight, flight, or freezing. This commonly called “fight-or-flight response” or “adrenaline rush” is crucial if you suddenly face, say, a grizzly bear or a mugger, or when you need to pull a car off of a child, but when adrenaline rushes are made part of everyday professional life, things go a little off course.

The first adrenaline rush of my legal career happened the first week of law school. University of Nebraska College of Law, Contracts class with Professor Denicola. I was sitting in a massive, tiered classroom with over 100 of my peers, intelligent, driven students that had competed with hundreds of other applicants to sit in the very seats they were now occupying.

You wouldn’t ordinarily think of a classroom discussion as a life-or-death situation warranting a trigger of your body’s fight-or-flight response, but if you have ever been in a law school classroom, you would know why.

Let me explain for non-lawyers how a law school classroom works. The “Socratic method” of teaching was created by Dean Langdell of Harvard Law School in the late nineteenth century and is used in every law school in the country. It works something like this. First year law school classrooms are large, often well over 100 students, perhaps in a stadium type classroom. A student in a large classroom such as this would usually be expected to just listen to a lecture and take notes,

and certainly not be called upon without raising a hand. Not in law school. With the Socratic method a student is selected at random by the professor and grilled on a case in the reading materials. Its not just one question; they may be grilled for the entirety of the class period. Who were the parties in this case? What were the legal issues? What was the main point of the dissenting opinion? The questions can go on and on. There is no escape; you will be questioned for as long as the professor likes, even if you start running out of answers.

Bestselling author Scott Turow, in his book “One L” which recounts his own first year of law school, describes the dynamic like this:

. . . [T]he Socratic method depends on a tacit license to violate a subtle rule of public behavior. When groups are too large for any semblance of intimacy, we usually think of them as being divided by role. The speaker speaks and, in the name of order, the audience listens—passive, anonymous, remote. In using the Socratic method, professors are informing students that what would normally be a safe personal space is likely at any moment to be invaded.

One L, pg. 24-26.

So there I was in Professor Denicola’s class, and became the first in our class to be inducted into the Socratic method of teaching. I thought I was ready for the possibility of being called on. I had read the assigned cases and prepared typewritten summaries for each case, outlining each relevant part of the case that I might be questioned on. I even printed it out in 14-pt typeface for ease of reading without squinting. But when Professor Denicola called on “Ms. Kramer” to give the summary of the first case, I went blank. I looked down at my notes and literally could not read them. They could have been hieroglyphics. I could see letters and words, but the part of my brain that connected those to producing audible sounds literally shut down.

It wasn't until years later that I understood what happened to me that day. When the brain's amygdala fear center triggers, it sets off a cascade of physiological reactions in the body. For example, heart rate and blood pressure increase, hormones including adrenaline and cortisol are released into the blood stream, all giving the body a boost in physical strength. Sensory capabilities are limited, resulting in tunnel vision and auditory exclusion. Fine motor skills disappear and cortisol interferes with complex thinking. Sometimes the body just freezes, unable to react to its environment (sort of like a possum who plays dead when faced with an attacker). Basically, physical strength increases and mental strength decreases.

That day in law school, my high brain, the portion of my brain necessary for critical thinking, was overrun by my low, primitive brain, the amygdala, because of the fear created by the teaching method that is central to legal education. I don't really remember what happened next that day in Professor Denicola's class. I suppose I was finally able to spit out some type of response sufficient to convince the professor to move on to another victim.

Over time I developed coping mechanisms to deal with the fear inherent in the legal teaching paradigm, but my body's visceral reaction to this fear remained and was repeated every time I appeared in a courtroom or at a deposition for 20 years of practice as a trial lawyer. My "coping mechanism" became apparent 20 years later in a FAST (fear adrenal stress training) self-defense class when I almost flew across the room to put my hands around the throat of my instructor, but that will be the subject of a later chapter.

Scott Turow returned to discussions of the impact of classroom dynamics through the eyes of women law students later in his book. One of them confided in him about her perceptions.

"I know how this sounds," she told me once, "but a lot of the women say the same thing. When I get called on, I really think about rape.

It's sudden. You're exposed. You can't move. You can't say no. And there's this man who's in control, telling you exactly what to do. Maybe that's melodramatic," she said, "but for me, a lot of the stuff in class shows up all kinds of male/female power relations that I've sort of been training myself to resent."

One L, pg. 215.

Her perceptions from the mid-70's at Harvard Law School weren't that much different from my experience at the University of Nebraska in the early '90s that first week of class. I was exposed to making a fool of myself in front of over 100 competitive classmates who would be judging my every utterance. I couldn't move. I couldn't speak. I couldn't decline to respond. My primitive amygdala took over. My critical thinking skills vanished. I was becoming a mercenary. I was becoming a lawyer.

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