

Winter 2015

Empowering Law Students to Overcome Extreme Public Speaking Anxiety: Why Just Be It Works and Just Do It Doesn't

Heidi K. Brown

Follow this and additional works at: https://digitalcommons.nyls.edu/fac_articles_chapters



Part of the [Legal Education Commons](#)

Empowering Law Students to Overcome Extreme Public Speaking Anxiety: Why “Just Be It” Works and “Just Do It” Doesn’t

*Heidi K. Brown**

| | | |
|--------------------|---|-----|
| INTRODUCTION | | 182 |
| I. | CLARIFYING THE LABELS ASSOCIATED WITH EXTREME PUBLIC SPEAKING ANXIETY | 186 |
| | A. <i>Introversion</i> | 186 |
| | B. <i>Shyness</i> | 187 |
| | C. <i>Social Anxiety and Social Phobia</i> | 188 |
| II. | WHY THE NIKE–INSPIRED “JUST DO IT” APPROACH DOESN’T WORK FOR EXTREME PUBLIC SPEAKING ANXIETY IN LAW STUDENTS | 190 |
| III. | THE MINDFUL “JUST BE IT” APPROACH TO OVERCOMING EXTREME PUBLIC SPEAKING ANXIETY | 193 |
| | A. <i>What is “Mindfulness”?</i> | 193 |
| | B. <i>Reflecting on Possible Roots of Extreme Public Speaking Anxiety to Extirpate Them and Let Them Go</i> | 194 |
| | C. <i>Recognizing Maladaptive Automatic Responses to Stressful Public Speaking Scenarios</i> | 196 |
| | D. <i>“Just Be It”: Using Mindfulness to Find One’s Voice</i> | 197 |

* Heidi K. Brown is Of Counsel with the litigation firm of Moore & Lee, LLP. Until recently, she was an Associate Professor of Law at New York Law School where she taught Evidence, Legal Practice, and upper-level legal writing courses. Professor Brown graduated from the University of Virginia School of Law. Suffering from extreme public speaking anxiety throughout law school, her litigation career, and at the beginning of her teaching career, she embarked upon a three-year research quest to understand the psychology underlying this anxiety so that she could help students with similar struggles. An article summarizing her research, *The “Silent But Gifted” Law Student: Transforming Anxious Public Speakers into Well-Rounded Advocates*, was published in *The Journal of the Legal Writing Institute* in 2012. In May 2014, she was awarded a Global Legal Skills award at the Global Legal Skills Conference in Verona, Italy, for her commitment to this important yet often under-recognized issue. Professor Brown extends gratitude to the students at New York Law School who participated in her Overcoming Public Speaking Anxiety (OPSA) workshops, and to the New York State Bar Association for providing grant-funding for OPSA.

| | | |
|-----|---|-----|
| 1. | <i>“Just Be It” Journeyers Must Understand That the Solution is a Process, Not a “Quick-Fix”</i> | 198 |
| 2. | <i>Individuals Must Quiet Down to Be Able to Hear, Transcribe, and then Overwrite Their Personal, Unique, and Automatic Harmful Mental Messages</i> | 199 |
| 3. | <i>“Just Be It” Trekkers Can Learn How to Refrain from Overreacting to Physical Manifestations of Anxiety</i> | 201 |
| 4. | <i>“Just Be It” Warriors Can Flip the Message</i> | 203 |
| 5. | <i>“Just Be It” Soldiers Will Achieve Success through Gradual “Exposures” with a Deliberate Agenda and Purpose</i> | 204 |
| IV. | LAW SCHOOL STUDENTS BENEFIT FROM THE MINDFUL “JUST BE IT” APPROACH | 207 |
| V. | SUGGESTIONS FOR PROVIDING MEANINGFUL SUPPORT FOR LAW STUDENTS STRUGGLING WITH EXTREME PUBLIC SPEAKING ANXIETY | 211 |
| | CONCLUSION | 214 |

INTRODUCTION

For law students experiencing extreme public speaking anxiety, which can manifest from variations of introversion, shyness, social anxiety, or social phobia, the Socratic method of intellectual discourse—either in the classroom or in the first-year oral argument experience—can trigger such a high level of apprehension that it may threaten even an otherwise strong student’s confidence in his or her future as an attorney. Extreme public speaking anxiety can pose a serious impediment to processing and comprehending legal concepts, and engaging with professors, classmates, and substantive material. Unless the anxious law student takes steps to address the roots of this particular issue, extreme public speaking anxiety can plague him or her unnecessarily throughout an otherwise promising legal career.

In the academic environment, many of these students try to hide, hoping to avoid being called on, and then flounder when “cold-called.” Some otherwise diligent and conscientious students skip

classes run by the Socratic Method because the fear of random mandatory participation becomes overwhelming. Even those who admit this anxiety and boldly seek help from professors, mentors, or academic support professionals often are left to fend for themselves if the particular advisor (who may have never experienced this affliction personally) does not fully understand the psychological depth of this issue. Unfortunately, trite advice from well-meaning authority figures and peers urging, "Just Do It!" does not help . . . as if these students could don a pair of Nike high-tops and bungee-jump their way to psychic freedom. Many law school administrators, professors, parents, and classmates who are life-long extraverts,¹ or believe they conquered their own public speaking anxiety simply by "getting out there and doing it," regrettably are not very helpful to those students who need a deeper examination of the roots of this problem.

Many law professors give the impression that students automatically should be able to deal with the rigors of the Socratic Method or other "command" speaking performances, and if they cannot, then they probably should choose another vocation. This article urges that this is a misguided mindset and message. Psychology-based research supports the notion that many introverted, shy, and socially anxious or social phobic individuals are capable of offering an even more nuanced, thoughtful, and empathetic perspective on legal issues than classroom "talkers," but law school, and indeed society in general,² rewards the loquacious. The legal academy and broader legal community need to hear from the subtler voices.

In her illuminating study of introverts in *Quiet: The Power of Introverts in a World That Can't Stop Talking*, author Susan Cain suggests that introvert traits like "alertness, sensitivity to nuance, complex emotionality—turn out to be highly underrated powers."³ Likewise, Dr. Laurie Helgoe comments, "[a]n introvert who sits back in a meeting, taking in the arguments, dreamily reflecting on the big picture, may be seen as not contributing—that is, until he works out the solution that all the contributors missed."⁴ Cain further notes, "the most spectacularly creative people in many fields are often introverted . . . [A] person sitting quietly under a tree in

1. This term can be spelled either "extroverted" or "extraverted." MERRIAM-WEBSTER, <http://www.merriam-webster.com/dictionary/extrovert> (last visited Jan. 26, 2015).

2. SUSAN CAIN, *QUIET: THE POWER OF INTROVERTS IN A WORLD THAT CAN'T STOP TALKING* 4–5 (2012) ("[R]esearch shows that the voluble are considered smarter than the reticent—even though there's zero correlation between the gift of gab and good ideas.").

3. *Id.* at 104.

4. LAURIE HELGOE, *INTROVERT POWER: WHY YOUR INNER LIFE IS YOUR HIDDEN STRENGTH* 88 (2008).

the backyard, while everyone else is clinking glasses on the patio, is more likely to have an apple land on his head.”⁵

Other psychology experts reiterate that people who experience shyness or social anxiety might be more readily able to tap into empathy for others—an important trait for aspiring lawyers,⁶ and one we should encourage and foster in law school. According to author M.F. Fensholt, “[c]reativity and emotional sensitivity are two positive traits often shared by people who experience anxiety.”⁷ In describing his own battle with overcoming shyness, author of *The Mindful Path Through Shyness*, psychotherapist Steve Flowers wrote:

Shyness has become the source of empathy and compassion in my heart for others who feel frightened and alone, because I can see that their suffering is no different from my own Not only can shyness be valuable for driving this sort of growth and self-inquiry, it also has qualities that can be endearing.⁸

He further imparted, “I realized the most interesting people are the most interested people. Interest in others helps you find and give expression to your caring heart, and you show your interest by how you listen.”⁹

Author Barbara G. Markaway, Ph.D., shared her own experience of recovery from shyness and social anxiety: “I realize that my struggles, although not necessarily ones I would’ve chosen, have helped me to grow and develop into a sensitive, caring person who can understand and help others through their pain.”¹⁰ Author Erika B. Hilliard, MSW, RSW, also reflected on her life experience with anxiety, commenting that sensitivity, a by-product of shyness, primed her for her role as a therapist.¹¹ She urges, “[a] lot of good qualities go along with shyness. There is sensitivity to nuances, to subtle differences. There is empathy for others. These are great qualities for certain life occupations and for solid friendships.”¹²

5. Susan Cain, *The Rise of the New Groupthink*, N.Y. TIMES, Jan. 13, 2012, at SR1.

6. Kristin B. Gerdy, *Clients, Empathy, and Compassion: Introducing First-Year Students to the “Heart” of Lawyering*, 87 NEB. L. REV. 1, 3 (2008) (“Understanding clients and exercising empathy and compassion comprise the ‘heart’ of lawyering.”).

7. M. F. FENSHOLT, THE FRANCIS EFFECT: THE REAL REASON YOU HATE PUBLIC SPEAKING AND HOW TO GET OVER IT 67 (2006).

8. STEVE FLOWERS, THE MINDFUL PATH THROUGH SHYNESS 137 (2009).

9. *Id.* at 158–159.

10. BARBARA G. MARKWAY & GREGORY P. MARKWAY, PAINFULLY SHY: HOW TO OVERCOME SOCIAL ANXIETY AND RECLAIM YOUR LIFE 201 (2001).

11. ERIKA B. HILLIARD, LIVING FULLY WITH SHYNESS AND SOCIAL ANXIETY xvi (2005).

12. *Id.* at 38.

Unfortunately, instead of regarding shyness and its accompanying traits of “sensitivity toward others, thoughtfulness, and endearing modesty” as a boon to any group dynamic, our society often tags it a weakness.¹³ Indeed, in our celebrity-driven culture, which lauds the most outspoken, outrageous, and outlandish, quiet thinkers often are dismissed or sidelined. Hilliard describes how “society sends many messages that tell us shyness is not okay [W]e need to challenge these messages.”¹⁴ Drs. Barbara G. Markway and Gregory P. Markway echo this principle: “We need quiet, thoughtful people in the world.”¹⁵ The field of law is no exception. In the legal academy, instead of forcing introverted, shy, socially anxious, or socially phobic students to fake or force extroversion which can exacerbate an underlying inhibition, we should encourage these students to “Just Be It”: be themselves while they gather confidence in thoughtful rumination about the law, and build strength to experiment with their “lawyer voice.” The results could be astounding when they are ready to own the podium.

Part I of this article defines the often-intertwined “labels” of introversion, shyness, social anxiety and social phobia. Part II explains why the “Just Do It!” mantra is not helpful to students experiencing extreme public speaking anxiety, and instead, why a mindful “Just Be It” approach is more appropriate. Part III describes tangible and practical steps comprising one “mindful” approach to overcoming extreme public speaking anxiety. Part IV captures the results of three years of Overcoming Public Speaking Anxiety (OPSA) workshops conducted at New York Law School and sponsored by the New York State Bar Association. In OPSA, law students volunteered for and participated in a five-part workshop series in anticipation of their spring first-year oral arguments. In their own words, participants of these workshops share their views on why “Just Do It” is not the right message in this context; they explain how taking time to examine their individual anxiety triggers, and realizing they are not alone in this experience, enabled them to make strides to overcome this challenge. Part V offers strategies for professors and other mentors to identify law students experiencing this battle (whether outwardly or secretly), exhibit empathy for their challenge (and potential embarrassment or shame), and motivate these individuals to tap into the underlying roots of this fear in order to ultimately “find their lawyer voice.”

13. *Id.* at 32–33.

14. *Id.* at 37.

15. MARKWAY & MARKWAY, *supra* note 10, at 68.

I. CLARIFYING THE LABELS ASSOCIATED WITH EXTREME PUBLIC SPEAKING ANXIETY

Society typecasts the successful lawyer as an extraverted, verbose, outspoken individual with the “gift of gab,” often portrayed in Hollywood by smooth-talking, larger-than-life, A-list actors. Yet, many intelligent attorneys would never use such adjectives to describe themselves. Within all of our law school classrooms, there exist students who qualify as “introverted,” “shy,” “socially anxious,” or “socially phobic,” yet have great potential to be highly effective legal counselors. Because each of these aspects of students’ personas impact their law school experience in different ways, it is important to understand the distinct meanings of each label.

A. *Introversion*

In common parlance, we think of extraverts as gregarious and outgoing, and introverts as quiet, and possibly even socially aloof. However, according to The Myers & Briggs Foundation, Swiss psychiatrist Carl G. Jung originally “used the words to describe the preferred focus of one’s energy on either the outer or the inner world. Extraverts orient their energy to the outer world, while [i]ntroverts orient their energy to the inner world.”¹⁶ Hilliard points out that not all introverts are necessarily shy. Non-shy introverts can engage with others with ease, maintaining a “pace of high social energy, but only for a limited amount of time” before needing to retreat to quiet solitude to re-energize.¹⁷ Indeed, “[s]hyness is often confused with introversion . . . Introverts prefer solitary rather than social activities because that’s satisfying for them; people who feel shy, on the other hand, choose solitary activities out of fear or anxiety.”¹⁸

The typical law school method of classroom interaction forces students to act like extraverts. However, rapid-fire Q&A does not necessarily mesh with the classic introvert’s most effective mode of learning or analytical thinking. Introverted students use different

16. *MBTI Basics: Extravert and Introvert*, THE MYERS & BRIGGS FOUND., <http://myers-briggs.org/my-mbti-personality-type/mbti-basics/extravert-and-introvert.asp> (last visited Feb. 28, 2013) (adapted from GORDON LAWRENCE & CHARLES MARTIN, BUILDING PEOPLE, BUILDING PROGRAMS: A PRACTITIONER’S GUIDE TO INTRODUCING THE MBTI TO INDIVIDUALS AND ORGANIZATIONS (2001)).

17. HILLIARD, *supra* note 11, at 10.

18. FLOWERS, *supra* note 8, at 19.

processes than extraverts for learning¹⁹ and digesting complex information. Dr. Helgoe notes, “[i]ntroverts think before speaking, and need time *within* conversations to develop their ideas and responses.”²⁰ Many introverts naturally prefer to pause, think, anticipate, reflect, sometimes reconsider, and possibly even mentally rehearse before reacting to a question.²¹ Many times, an introvert will be contemplating a thought, and pondering the best way to express that notion most cogently, while the extraverts in the room already have transitioned through a cornucopia of new topics. Often, the introvert’s kernel of an idea gets lost, shelved, or discarded along the way.

Forcing introverted law students to be extraverts can trigger anxiety. It is unnatural for an introvert to speak up solely to score “face time.” Such internal conflict can have deep psychological repercussions that many extroverts do not realize. Cain’s research reveals “introverts are significantly more likely than extroverts to fear public speaking.”²² Indeed, Cain acknowledges that “[i]f you’re an introvert, you also know that the bias against quiet can cause deep psychic pain.”²³

B. *Shyness*

Shyness is distinct from introversion. As noted above, shyness can reflect positive characteristics such as modesty, deference to others, and humility. However, Flowers explains that some individuals experience “problematic shyness,” marked by “feelings of being unsafe in interpersonal relationships and . . . social anxiety, which lead[s] to protective behaviors.”²⁴ Flowers and Drs. Markway and Markway distinguish between being shy and “painfully shy.”²⁵ Naturally shy people simply warm up to social encounters more slowly than non-shy individuals.²⁶ However, “painfully shy” indi-

19. CAIN, *supra* note 2, at 255 (“Extroverts tend to like movement, stimulation, collaborative work. Introverts prefer lectures, downtime, and independent projects.”).

20. HELGOE, *supra* note 4, at 234.

21. *Id.* at 13 (“Introverts appear to do their best thinking in anticipation rather than on the spot; it now seems clear that this is because their minds are so naturally abuzz with activity that they need to shut out external distractions in order to prepare their ideas.”).

22. CAIN, *supra* note 2, at 108.

23. *Id.* at 6.

24. FLOWERS, *supra* note 8, at 18.

25. MARKWAY & MARKWAY, *supra* note 10, at 13; FLOWERS, *supra* note 8, at 2.

26. HILLIARD, *supra* note 11, at 9.

viduals experience fundamental angst in their daily social interactions; “[i]t’s painful to feel anxious and unsafe in the world and to think there’s something wrong with you.”²⁷

Painfully shy individuals struggle with feeling evaluated, judged, critiqued, shamed, and rejected in their everyday interfaces with other human beings—some on a merely uncomfortable level and others on a potentially disabling level.²⁸ To each law school classroom experience, painfully shy law students lug mental suitcases full of “labels, concepts, judgments, generalizations from past experiences, and projections of future possibilities.”²⁹ The painfully shy person works overtime in constantly “self-blaming and self-shaming,” relentlessly “building the walls of the prison that is shyness.”³⁰

C. *Social Anxiety and Social Phobia*

Anxiety is ubiquitous in American society, which is not surprising considering our daily news dose of global strife and economic upheaval, plus the ups and downs of our run-of-the-mill personal pressures and responsibilities. Experts indicate “anxiety is the most common emotional problem in our society, if not the entire world. Yet only twenty-five percent of people with anxiety seek professional guidance, and only a fraction receive effective help.”³¹ Unfortunately, shyness and social anxiety “are among the most debilitating forms of anxiety.”³² Although the mental health profession recognizes social anxiety disorder and social phobia, these terms are rarely discussed in the law school context.

Flowers provides the American Psychiatric Association’s definition of social anxiety disorder:

Social anxiety disorder, also called social phobia, is an intense fear or even terror of humiliation or embarrassment in relation to groups of people. It’s very difficult to overcome and can be very disabling. For this reason, social phobia is substantially

27. FLOWERS, *supra* note 8, at 2.

28. *Id.* at 18–19.

29. *Id.* at 91.

30. *Id.* at 95.

31. Paul Foxman, *Foreword* to ERIKA B. HILLIARD, *LIVING FULLY WITH SHYNESS AND SOCIAL ANXIETY*, at xi (2005).

32. *Id.*

different from shyness and is classified as a mental health disorder in the *Diagnostic and Statistical Manual of Mental Disorders*.³³

This form of anxiety perpetuates from negative, self-critical, and self-shaming words, phrases, and messages that individuals accept as truths earlier in life and then replay over and over in their minds throughout adulthood.³⁴

The terminology often overlaps; “[s]ocial anxiety and social phobia are close cousins.”³⁵ Social anxiety that rises to the level of impacting an individual’s personal and professional engagements qualifies as social phobia or social anxiety disorder.³⁶ The disorder is “characterized by a persistent fear of criticism or rejection by others.”³⁷ An individual feels and experiences the disorder, while a mental health professional establishes the psychiatric diagnosis. A person’s particular symptoms of social anxiety disorder fall into three buckets: cognitive (the unique messages the individual replays in his or her head); physical (the individual’s instinctive biological responses to anxiety such as blushing, sweating, shaking, etc.); and behavioral (how the individual acts toward himself and others when the anxiety is triggered).³⁸

Experts estimate that social phobia affects up to thirteen percent of the American population,³⁹ which means there is a good chance that socially phobic students sit in every law school classroom. The good news is: “Social anxiety is a condition that can change.”⁴⁰ It is “not a fixed state. It is *fluid*. [An individual] can change its shape and its quantity.”⁴¹

33. FLOWERS, *supra* note 8, at 20 (citing the AMERICAN PSYCHIATRIC ASSOCIATION (2004)).

34. FLOWERS, *supra* note 8, at 69 (“Social anxiety is essentially created and perpetuated by the words in our heads about ourselves and other people. Anxiety feeds on the things we say to ourselves and therefore requires frequent verbal maintenance to keep regenerating itself.”).

35. HILLIARD, *supra* note 11, at 9.

36. *Id.*

37. BARBARA G. MARKWAY, CHERYL N. CARMIN, C. ALEC POLLARD & TERESA FLYNN, *DYING OF EMBARRASSMENT: HELP FOR SOCIAL ANXIETY AND PHOBIA* 3 (1992).

38. MARKWAY & MARKWAY, *supra* note 10, at 15.

39. FLOWERS, *supra* note 8, at 21 (citing BARLOW, D.H. *ANXIETY AND ITS DISORDERS: THE NATURE AND TREATMENT OF ANXIETY AND PANIC* (2d. ed. Guilford Press 2002); *see also* HILLIARD, *supra* note 11, at 12, 19, 28.

40. HILLIARD, *supra* note 11, at xvi.

41. *Id.* at 25.

II. WHY THE NIKE–INSPIRED “JUST DO IT” APPROACH DOESN’T WORK FOR EXTREME PUBLIC SPEAKING ANXIETY IN LAW STUDENTS

The sports apparel company, Nike, has an inspirational slogan: “Just Do It.” It is one of the most motivational advertising messages of all time, urging the average American to get off the couch, slap on a pair of Air Jordans, and tap into one’s inner athlete. In fact, Nike is the name of the Greek goddess of victory, “both in battle and peaceful competition.”⁴² The brand’s rousing call to action promotes the empowering message that we can do anything to which we set our minds; we just have to go do it.

In the context of coping with extreme public speaking anxiety, however, some law students are so fearful of “just doing it” that they engage in creative avoidance behaviors: hiding behind laptop screens in the back of the classroom, taking a “pass” when on-call in the Socratic Method (even if such abstention affects their grade), skipping Socratic-driven classes altogether (accepting absence penalties), and choosing transactional law careers (where they believe verbal confrontation will be minimized, and deposition and courtroom experiences will be eschewed) instead of litigation jobs. Other law students experiencing similar levels of trepidation toward public speaking indeed *have* tried the opposite approach; they have been “just doing it,” forcing themselves to speak in class as their hearts pound, boldly enrolling in trial advocacy courses to try to will the nerves away, some even joining Toastmasters groups, hoping the rote practice will eliminate the anxiety of speaking before others. For many of the latter cohort, despite their admirable and courageous aspirations, this approach still nosedives, and, worse, can exacerbate the underlying anxiety as the perceived weakness metastasizes into another self-flagellating cycle. Not realizing these potential repercussions, many law professors, academic support professionals, mentors, parents, and classmates continue to urge these reticent advocates, “Just Do It!”

Drs. Barbara G. Markway, Cheryl N. Carmin, C. Alec Pollard, and Teresa Flynn, Ph. D., corroborate that “well-meaning” quips like, “Big deal! Everyone is nervous getting up in front of a crowd,” can be “trivializing.”⁴³ But why exactly don’t these well-intentioned mantras work? It’s because the “Just Do It” approach is rational and logical, while extreme public speaking anxiety stems from irra-

42. *Theoi Greek Mythology: Exploring Mythology in Classical Literature and Art*, THEOI.COM, <http://www.theoi.com/Daimon/Nike.html> (last visited Oct. 22, 2014).

43. MARKWAY ET AL., *supra* note 39, at 14.

tional, illogical, unpredictable emotions and feelings. Flowers explains that “[o]ne of the problems with [the “doing”] approach is that it’s linear and goal oriented, whereas feelings are neither.”⁴⁴ He elaborates:

Most people attempt to overcome shyness using rational thought, which isn’t surprising, as this is the mental orientation in which we generally spend most of our time . . . This is the kind of thinking that enables us to create lifesaving medications or build spacecraft, and it sometimes comes in handy for figuring out where you placed your car keys, but it can cause problems when it’s the only approach you use to manage fear and anxiety.⁴⁵

Sufferers of extreme public speaking anxiety often either take the self-protective “avoidance” route—to temporarily elude the painful feelings—or the “Just Do It” path—to rationally will the angst away—thinking those are the only two options, but neither is a long-term viable holistic solution.

For the avoiders, Drs. Markway, Carmin et al., describe such “Band-Aid” panaceas as “maladaptive coping” methods:

[Y]ou might avoid all potentially embarrassing social situations; you might medicate yourself with drugs or alcohol when facing a social situation is unavoidable. Both of these strategies are maladaptive. Although maladaptive coping often provides temporary relief, it can quickly become part of the problem. In the long run, such strategies feed your anxiety and keep your fear of disapproval alive.⁴⁶

Flowers echoes this principle: “Unfortunately, the very effort to escape thoughts, or even suppress or control them, usually intensifies them.”⁴⁷

Similarly, the “Just Do It” folks valiantly try to force themselves to “get over it,” as often advised by mentors and peers, but this pursuit soon takes on the character of punishment—which, well, hurts. As Drs. Markway and Markway describe, “[w]e think if we punish

44. FLOWERS, *supra* note 8, at 41.

45. *Id.* at 41.

46. MARKWAY ET AL., *supra* note 39, at 24–25.

47. FLOWERS, *supra* note 8, at 2 (citing J.J. Gross R.W. Levenson, *Hiding feelings: The Acute Effects of Inhibiting Negative and Positive Emotion*, J. OF ABNORMAL PSYCHOL., 95-103 (1997); C. Purdon, *Thought Suppression and Psychopathology*, BEHAV. & RES. THERAPY, 1029–1054 (1999)).

ourselves enough, we'll change."⁴⁸ The "Just Do It" strivers hurl themselves right into the scary judgmental fray, hoping that one day, the dark hovering cloud of shame will vanish, and the self-criticism and fear of disapproval will dissipate. However, as Flowers counsels, "[a]s long as you're looking at yourself from somewhere outside yourself and trying to perform to what you believe to be the standards of others, you will be judging and striving. You'll be trapped in doing mode and out of touch with your more authentic, whole self."⁴⁹ Like other experts, Flowers encourages individuals to stop doing, and instead start being and observing. He cautions, "[n]othing can cause quite so much trouble as an unexamined mind."⁵⁰ Left unexplored, embedded patterns repeat, and negative thoughts further entrench. Something truly awesome and earth-shattering needs to happen to stop this vicious cycle once and for all.

Thus, instead of reinforcing the foregoing punitive, almost disciplinarian or self-flagellating approach (reflective of the hazing-style rite of passage romanticized in *The Paper Chase* and reinforced to at least some degree every day in many law school classrooms across the country), experts who truly understand how to help individuals suffering with extreme public speaking anxiety recommend a "mindful" and gradual course of action. Instead of "Just Do It," why not "Just Be It"?

The "Just Be It" approach to overcoming public speaking anxiety gives law students permission to: (1) take time to examine themselves—as human beings, students, and future attorneys; (2) identify and understand individual sensitivities and anxiety triggers and their mental and physical manifestations; and then (3) develop a gradual realistic plan to convert those perceived weaknesses into strengths, to better embrace the law school experience and eventually become transformative powerhouses in law practice. Flowers, in his book, *The Mindful Path Through Shyness*, offers a process of self-examination that really is the opposite of "Just Do It"; "[i]t's certainly not a matter of toughing it out or shutting down your emotions and forcing yourself to endure things you hate."⁵¹ Instead, he suggests, "[i]f you can create a little distance between yourself and your thoughts and learn to examine these creative narratives as

48. MARKWAY & MARKWAY, *supra* note 10, at 63.

49. FLOWERS, *supra* note 8, at 108.

50. *Id.* at 90.

51. *Id.* at 148–149.

mental events rather than facts of reality, you can begin to dismantle some of the personal narratives that create so much anxiety.”⁵² He distinguishes between a rational, analytical, harsh, judgmental “taskmaster” method of change and a non-judgmental, “non-striving,” “mindful” approach, focused on enhancing personal “awareness, intuition, acceptance, and compassion.”⁵³ Drs. Markway and Markway emphasize that overcoming shyness and social anxiety is a gradual process: “Don’t do too much too soon.”⁵⁴ There is no overnight, instant, “quick fix.” This road less traveled takes time, but can be powerful, not only for the individuals who commit to the journey, but potentially our law school communities and legal system. Through this process, we can help remove a weighty layer of stress from a cadre of law students who have potential to be truly great, empathetic, discerning, thoughtful advocates, and change our legal community for the better.

So, how can law students start to “Just Be It”?

III. THE MINDFUL “JUST BE IT” APPROACH TO OVERCOMING EXTREME PUBLIC SPEAKING ANXIETY

A. *What is “Mindfulness”?*

So what exactly is this concept of mindfulness, and how in the world could it apply in our competitive high–pressured law school environment? According to Flowers, “[m]indfulness is the awareness that grows from being present in the unfolding moments of our lives without judging or trying to change anything that we experience.”⁵⁵ Drs. Markway and Markway offer a similar definition, stating:

[M]indful awareness is an ancient Buddhist concept involving being conscious of your thoughts, yet not clinging to them. Instead of holding on to your thoughts and obsessively analyzing them, you allow your thoughts to gently and effortlessly flow through you. This can take some practice. For many people, “letting go” doesn’t come naturally—especially when anxious thoughts can seem so believable at the time.⁵⁶

52. *Id.* at 90.

53. *Id.* at 42.

54. MARKWAY & MARKWAY, *supra* note 10, at 152.

55. FLOWERS, *supra* note 8, at 3.

56. MARKWAY & MARKWAY, *supra* note 10, at 116.

Hilliard explains that “[m]indfulness usually requires slowing down, taking the time to reflect.”⁵⁷ By getting off the “Just Do It” treadmill, decelerating one’s pace, and taking the time to observe what is happening cognitively, physically, and behaviorally when a person experiences extreme public speaking anxiety, that individual can recognize patterns and automatic reactions (for possibly the first time ever), understand their triggers, and eventually begin to “regulate” them.⁵⁸ Mindfulness does not mean pretending anxiety does not exist and forging onward; in fact, it means the opposite. As Flowers describes, “[t]he mindful path involves becoming better acquainted with anxiety and learning how to work with it more consciously.”⁵⁹

As described in more detail below, one mindful approach to conquering extreme public speaking anxiety entails: (1) digging into possible historical root causes of fear of public speaking and/or interactions with others; (2) taking time to consciously observe and recognize automatic “maladaptive” mental and physical responses to public speaking scenarios; (3) thoughtfully constructing new and strategic cognitive, physical, and behavioral responses to known anxiety triggers; and (4) creating an agenda of gradual “exposure” opportunities, to practice riding out the rise and fall of a series of anxiety-producing public speaking experiences with success.

B. Reflecting on Possible Roots of Extreme Public Speaking Anxiety to Extirpate Them and Let Them Go

Before an individual can tackle extreme public speaking anxiety, he or she must take time to reflect on possible root causes of “painful shyness” and/or social phobia. Experts indicate that the seeds of this anxiety can be planted through biological facilitators such as “genetics, neurobiology, and temperament,” and environmental stimuli such as “humiliating experiences, parenting styles, and other learning.”⁶⁰ Flowers explains that shyness can derive from “the usual intertwined sources of genetics and life experiences,” including “the influence of primary caregivers in early childhood and other socializing influences throughout life.”⁶¹ Everyone learns how

57. HILLIARD, *supra* note 11, at 273.

58. FLOWERS, *supra* note 8, at 3 (citing J.D. Teasdale, Z. Segal, & J.M. Williams, *How Does Cognitive Therapy Prevent Relapse and Why Should Attentional Control (Mindfulness) Training Help?*, BEHAV. RES. & THERAPY, 25–39 (1995)).

59. *Id.* at 27.

60. MARKWAY & MARKWAY, *supra* note 10, at 50.

61. FLOWERS, *supra* note 8, at 26 (citing J. KAGAN, *GALEN’S PROPHECY: TEMPERAMENT IN HUMAN NATURE* (1994)).

to handle emotions—positive and negative—early in life, through reinforcement by caregivers.⁶² Hilliard reinforces that adult shyness and social anxiety can germinate from environmental dynamics such as: (1) how “parents or caretakers soothed or irritated [a child’s] nervous system, training it into a state of alertness or cautiousness”; (2) positive or negative messages delivered by family or other authority figures, which either generated and nurtured feelings of “being loved, respected, and safe” or conversely of “being flawed, unworthy, unsafe, inhibited, or inadequate”; (3) being labeled as “shy” in a negative way as a child; (4) traumatic experiences; and (5) other life circumstances.⁶³ When coping with distressing emotions such as fear, anger, shame, or guilt, for example, if a child learns from a parent or caregiver that “it’s not safe to be seen and heard” in the form of expressing these emotions through normal outlets, the child becomes “quietly invisible by developing complex patterns of avoidance and self-protection.”⁶⁴ For these children, a pattern of “censorship” by authority figures “can ‘prime the pump’ for social anxiety to develop at a later point.”⁶⁵

Law students who have spent years cementing schema of avoidance and self-protection from painful emotions such as fear, anger, shame, and guilt need to re-learn how to manage these emotions in a healthy manner. To do so, these students must gently⁶⁶ identify the sources of negative judgment-oriented messages in the past, identify how such scripts may have been reinforced by other powerful figures throughout adolescence and early adulthood, and then acknowledge that those messages no longer apply and can be silenced forever. As adults, these individuals can press “stop” on the endless loop of critical messages, and compose fresh new maxims that encourage rather than censor.⁶⁷

For some shy or socially anxious individuals, maladaptive coping mechanisms may not have sparked from a lifelong pattern of repressing hurtful emotions, but instead from a single traumatic event. According to Drs. Markway and Markway, “[a] study con-

62. FLOWERS, *supra* note 8, at 105.

63. HILLIARD, *supra* note 11, at 20–21.

64. *Id.* at 150.

65. MARKWAY & MARKWAY, *supra* note 10, at 38.

66. For some law students, this step may require the assistance of professional counseling. It is also not intended to encourage the student to engage in a “blame game,” but it is essential for the student to understand where negative messages originated so that he can delete or edit them going forward.

67. FLOWERS, *supra* note 8, at 175 (adults can “learn how to give [them]selves the safe and secure base of self-compassion that [they] never had before.”).

ducted in 1985 by Professor Lars–Goran Ost at Stockholm University found that fifty–eight percent of people with social phobia attributed the onset of their disorder to a traumatic experience.”⁶⁸

Whether genetic factors or environmental contributors, either throughout childhood or a single difficult event, forged an individual’s extreme public speaking anxiety, the first step is noting and acknowledging these catalysts, and then understanding and celebrating the fact that their suffocating grip can be released forever.

C. *Recognizing Maladaptive Automatic Responses to Stressful Public Speaking Scenarios*

Another reason why “Just Do It” is not a realistic solution for eliminating extreme public speaking anxiety is that detrimental and often painful cognitive, physical, and behavioral responses to stress are automatic and unstoppable without thoughtful observance, reflection, and reframing. Simply forcing oneself into yet another torturous scenario does nothing to solve the problem; the individual must first subdue the automatic response, which is impossible without (a) awareness of their nature and occurrence, (b) recognition that they are impermanent, and (c) resolve to re–purpose their energy into something useful.

It can be quite revelatory for an anxious public speaker to realize—for the first time—that the troubling cognitive, physical, and behavioral responses that accompany a harrowing public speaking performance are simply knee–jerk automatic reactions from years of conditioning, which can be stopped, checked, and redirected in a healthy direction. Flowers points out that, “[a]s our emotions are shaped and conditioned so early in life, they are deeply ingrained in our personalities and happen automatically.”⁶⁹ Typically, we meander through life completely unaware of these reflexive emotional loops, and therefore do not investigate and study them, “even though they can be extremely predictable and create a great deal of suffering.”⁷⁰ When lifelong anxiety sufferers finally stop and transcribe the negative messages re–playing in their heads, identify disturbing physical responses, and note unhealthy reactionary behaviors (avoidance, self–shaming, self–criticism), they can interrupt the vicious cycle and start a new sequence of positive thoughts, emotions, physical responses, and behavioral actions. Flowers emphasizes that, even though past patterns may be well–ensconced, they

68. MARKWAY & MARKWAY, *supra* note 10, at 37.

69. FLOWERS, *supra* note 8, at 105.

70. *Id.* at 31.

are not permanently etched in marble; “the most troublesome components of shyness are things you can work with: thoughts, emotions, sensations, and behaviors that are impermanent, malleable, and within your personal capacity to change.”⁷¹ He reassures individuals ready to conquer this challenge that they “can take the whole thing off automatic pilot.”⁷²

D. “Just Be It”: Using Mindfulness to Find One’s Voice

While “Just Doing It” unwittingly can harden and fortify harmful automatic responses to stress, “Just Being It” allows anxious individuals the space to discover the toxic cognitive, physical, and behavioral reactions ignited by public speaking scenarios, and let them go. Flowers describes how “human beings have two principle modes of operation: being mode and doing mode.”⁷³ He reveals, “[b]eing mode offers resources for learning, healing, and well-being that doing mode can’t access. In being mode there is no judgment or striving, whereas in doing mode it’s hard to stop judging and striving.”⁷⁴

Brave yet misled souls who try to conquer anxiety by “Just Doing It” throw themselves into the same fire that they have jumped into many times before, hoping for a different outcome. Albert Einstein is attributed (though writers say the true source cannot be confirmed)⁷⁵ as saying, “the definition of insanity is doing the same thing over and over again and expecting different results.” Flowers distinguishes “doing mode” from “being mode” in the same vein:

When we operate from the goal-oriented mind, we’re in doing mode—the mind state that creates and perpetuates shyness patterns and, as you may have noticed, hadn’t been able to break free of those patterns. To paraphrase Albert Einstein, we can’t solve our problems using the same level of thinking

71. *Id.* at 27.

72. *Id.* at 38.

73. *Id.* at 43 (citing M.G. WILLIAMS, J. TEASDALE, Z. SEGAL, & J. KABAT-ZINN, *THE MINDFUL WAY THROUGH DEPRESSION: FREEING YOURSELF FROM CHRONIC UNHAPPINESS* (2007)).

74. FLOWERS, *supra* note 8, at 43.

75. Cara Santa Maria, *Insanity: The Real Definition*, HUFFINGTON POST (Feb. 19, 2012), http://www.huffingtonpost.com/2011/12/20/insanity-definition_n_1159927.html; Daniel D’Addario, “The definition of insanity” is the most overused cliché of all time, SALON (Aug. 6, 2013, 10:33 AM), http://www.salon.com/2013/08/06/the_definition_of_insanity_is_the_most_overused_cliche_of_all_time/; Michael Becker, *Einstein on misattribution: ‘I probably didn’t say that.’*, BECKER’S ONLINE J. (Nov. 13, 2012), <http://www.news.hypercrit.net/2012/11/13/einstein-on-misattribution-i-probably-didnt-say-that/>.

that created them. In other words, we need to think outside the box.⁷⁶

Instead of trying to “do something” about public speaking anxiety, individuals first need to just “be” shy or socially anxious about a public speaking performance; “[t]his allows you to look into your shyness pattern, which you may discover is mostly created by your doing mode of operation.”⁷⁷ Shifting to “being mode” affords the luxury of observation, creating “distance from those patterns of thought and emotion.”⁷⁸

Flowers offers a great quote from Tao philosopher Lao Tsu: “To be, don’t do.”⁷⁹ Likewise, Drs. Markway and Markway advise individuals to “stop working so hard to prevent your anxious reactions.”⁸⁰ People need to “Just Be It,” and let the knee-jerk reactions happen so they can be “illuminated,”⁸¹ and then re-purposed. The following summarizes one approach to this transformative process.

1. *“Just Be It” Journeys Must Understand That the Solution is a Process, Not a “Quick-Fix”*

Individuals seeking to overcome extreme public speaking anxiety can start the “Just Be It” trek by acknowledging that “[a]lthough getting rid of all anxiety is not possible, handling anxiety is both achievable and desirable.”⁸² As mentioned above, this is not an issue that can be solved in one immediate swoop by ripping off a psychological Band-Aid, bungee-jumping away from a painful past, or diving into the deep end of emotional confrontation. It is a process that starts slowly, and consciously builds with small successes, each a necessary component part of the overall greater triumph, which occurs later.

76. FLOWERS, *supra* note 8, at 43.

77. *Id.*

78. *Id.*

79. *Id.* at 44.

80. MARKWAY & MARKWAY, *supra* note 10, at 185.

81. FLOWERS, *supra* note 8, at 84 (“These are the habits of mind and behavior that can get you lost in your shyness patterns and keep you there. So the more you can illuminate them, the more you may be able to uncouple from some of these automatic reactions.”).

82. MARKWAY ET AL., *supra* note 39, at 50.

2. *Individuals Must Quiet Down to Be Able to Hear, Transcribe, and then Overwrite Their Personal, Unique, and Automatic Harmful Mental Messages*

When thrust into stressful public speaking scenarios, the brains of many shy and socially phobic individuals, and those who suffer from extreme public speaking anxiety, generate maladaptive “cognitive messages” as automatically as ATM machines spit out receipts. The public speaking performance begins; the negative scripts start tapping like Morse code or a court reporter’s stenography machine. Even in a short oral interaction with another human being, these individuals can sustain repeated cognitive blows through: (1) over-anticipating negative events that have not happened yet;⁸³ (2) catastrophizing;⁸⁴ (3) self-judgment;⁸⁵ (4) feelings of inadequacy;⁸⁶ and (5) projections of self-criticism.⁸⁷ Drs. Markway and Markway train individuals to spot these poisonous thoughts as soon as they appear (almost as if they pop up in bright red “thought bubbles” above our heads), identify them as “misleading and maladaptive,”⁸⁸ and “label” them as dangerous. Flowers concurs: “Through mindful awareness, [people] can learn to recognize these thoughts for what they are.”⁸⁹

Individuals working the “Just Be It” process need to learn, or be taught, that when these noxious messages flare up, they are “impermanent, very short-term visitors.”⁹⁰ This can be a huge revelation for anxiety-sufferers who are convinced that the feeling of being out-of-control will persist forever. But it always subsides. Part of this re-programming process involves training oneself to recognize (more quickly) the “red alert” messages, emotions, and feelings that normally initiate a tailspin, let the thoughts be, realize they are transient, and let them pass.⁹¹

83. FLOWERS, *supra* note 8, at 94.

84. *Id.* at 95.

85. *Id.*

86. *Id.* at 97.

87. *Id.* at 94.

88. MARKWAY & MARKWAY, *supra* note 10, at 115.

89. FLOWERS, *supra* note 8, at 99.

90. *Id.* at 104.

91. *Id.* at 119 (“When you shift your awareness into a physical place grounded in the body and attend to what’s happening right now, your attention can stop contracting around some idea of a future calamity and expand to take in the whole spectrum of sensations, emotions, and thoughts occurring right now. Notice the changing and impermanent nature of each of these mental and physical events and allow your attention to settle in the physical sensations. You might acknowledge that this is just another anxiety event, and that it too will pass.”); *see also* MARKWAY & MARKWAY, *supra* note 10, at 57 (“[I]f you’re feeling anxious, you’re feeling anxious. That’s all. It doesn’t mean it’s horrible or catastrophic. It doesn’t

Anxiety sufferers will start to appreciate their internal power in “hav[ing] a choice about whether or not to jump on trains of thought.”⁹² What may previously have been an automatic response to a twinge of anxiety can now become a conscious choice. By “Just Being It,” individuals can linger (momentarily) when the troublesome slogans of the past reappear,⁹³ and realize that they are just words that can be edited or deleted. As Flowers emphasizes, “[j]ust finding ways to step outside of your thoughts and investigate them without identifying with them or trying to push them away is a powerful practice that can help break their spell.”⁹⁴ This stage is simply about letting the old mantras begin to run their automatic course, then eventually breaking the harmful reactive chain.⁹⁵ It is about “no longer feeding the fear body with more fear.”⁹⁶

To do this, “Just Be It” trekkers should note and write down, or transcribe, the destructive cognitive messages, thoughts, and feelings as they materialize.⁹⁷ Flowers encourages, “[n]oting is a way to build and nourish your ability to observe without attachment or resistance.”⁹⁸ Hilliard reiterates the effectiveness of “writing these negative messages down on a piece of paper . . . moving them from inside your head to outside on paper, or into the air.”⁹⁹ Further, “if you write or speak out loud, you are using your body, which helps to strengthen the new messages you wish to cultivate.”¹⁰⁰

Allowing harmful verbal messages from the past to arrive—uninvited as usual—so they can be dealt with is a much more effective long-term solution than “Just Doing It,” compartmentalizing the messages, shoving them into a mental suitcase, and temporarily pretending they do not exist in order to get through a public speaking challenge. In the latter mode, the baggage forever lurks, taking

mean the anxiety will last forever. It doesn’t mean you won’t be able to handle it. It doesn’t mean anything except that you’re feeling anxious at a particular moment.”).

92. FLOWERS, *supra* note 8, at 103.

93. *Id.* at 118 (“[A]cknowledge or note ‘anxiety,’ give it some space, and feel into it with gentle curiosity. You stay. You breathe. You let the feeling of anxiety just be there.”).

94. *Id.* at 91.

95. *Id.* at 118 (“The way out of this cascade is at the beginning—in how you respond to your initial emotion. By attending to the surge of anxiety with kind awareness rather than self-judgment and anger, you can sidetrack the uproar of secondary emotions. This way of being with difficult emotions won’t come overnight, but it can grow over time.”); *Id.* at 145–146 (The goal is: “Being present, Recognizing and letting go of judgments, Recognizing and letting go of striving, Recognizing thoughts and not identifying with them, Recognizing emotions and not identifying with them, Caring for yourself and others.”).

96. *Id.* at 119.

97. MARKWAY & MARKWAY, *supra* note 10, at 112.

98. FLOWERS, *supra* note 8, at 102.

99. HILLIARD, *supra* note 11, at 141.

100. *Id.*

up precious intellectual space. In the former, it can be excised permanently. As Flowers summarizes:

[T]he more you try to block, avoid, control, or escape difficult emotions, the more certain they are to revisit you time and time again and become problematic. On the other hand, if you're swept up by each passing emotion, you'll find yourself careening from one overwhelming event to the next. But if you can learn to attend to difficult emotions with clear awareness and acceptance, you may be able to find a middle ground where you can work with your emotional states more skillfully.¹⁰¹

The objective is to accept that a challenging message, emotion, or feeling will probably reappear automatically time and time again, like an old, irksome acquaintance. Instead of letting the intruder inflame an undesirable reflex response, the individual can recall (more quickly each time) that this is a temporary interloper, let the message, thought, or feeling be and then pass, and then re-frame the internal dialogue in a more positive light.¹⁰² This new course of action takes practice and will not entrench without repeated reflective opportunities. Ultimately, "[t]he key is learning to respond to anxiety with clarity and skill rather than denial and shame."¹⁰³

3. *"Just Be It" Trekkers Can Learn How to Refrain from Overreacting to Physical Manifestations of Anxiety*

For many anxious public speakers, physical manifestations of stress exacerbate the emotional effects. Not only can it feel scary or unnerving to sweat, flush, blush, shake, or experience a racing heart, shortness of breath, or tightening of the throat, these biological responses can be visible to an audience, causing unwarranted embarrassment or shame to the anxious public speaker. Interestingly, Hilliard reports that "[r]oughly twenty to thirty percent of the participants in [her public speaking support] groups have rated their physical symptoms as their number-one concern. They describe their physical symptoms as 'excruciating.'"¹⁰⁴

Shy or socially anxious individuals fret that when others observe these physical responses, they make negative judgments. Ironically, the body's response to stress is not one of abandonment wor-

101. FLOWERS, *supra* note 8, at 106.

102. *Id.* at 106–107.

103. *Id.* at 109.

104. HILLIARD, *supra* note 11, at 43.

thy of self-chastisement or self-doubt; it is a prudent self-protective response, “your body’s effort to help you in some way.”¹⁰⁵ Hilliard concurs, “[t]hese are the same bodily responses that are activated in an emergency involving some sort of physical threat.”¹⁰⁶

Instead of being ashamed of or embarrassed by one’s visible reactions to public speaking stress, anxious public speakers should embrace these outward symptoms as “life coursing through [the] body.”¹⁰⁷ Individuals should acknowledge, “[t]his is just adrenaline passing through my body. This will pass.”¹⁰⁸ In fact, experts emphasize that “[t]he body is a place where you can become more grounded and stable in working with difficult emotions like anxiety and fear. It can be an important ally in meeting challenging emotions and dealing with them well.”¹⁰⁹

By way of illustration, let’s focus on extreme blushing.¹¹⁰ Imagine that an anxious public speaker senses the first flash of a blush, which then creeps around her neck and up her cheeks like ivy vines. Rather than immediately feeling self-conscious (which of course perpetuates and flares the fiery burn of the blush), she can try to “Be the Blush.”¹¹¹ Hilliard urges, “[t]o see a blush is to celebrate life’s living . . . fullness, ripeness, color, and flourishing life.”¹¹² Hilliard advises life-long blushers, “[t]hink of your blushing as footprints left by the blood surging into the blood vessels under your skin. They symbolize the fact that life is coursing through you.”¹¹³ Further, “[b]lushing is a reminder that you are a vibrant human being, complete with a rich array of emotions. It’s a package deal. We laugh, we cry, we fume, we flame.”¹¹⁴

Like the negative messages, feelings, and emotions identified in the prior section of this article, physical symptoms are also impermanent. Sweat will evaporate, shaking will settle, a blush will fade. While “Just Being It,” anxious speakers can practice: (1) recogniz-

105. FLOWERS, *supra* note 8, at 119.

106. HILLIARD, *supra* note 11, at 44.

107. *Id.* at 166.

108. *Id.* at 151.

109. FLOWERS, *supra* note 8, at 109.

110. The author of this article suffers from extreme blushing when stressed in any public speaking environment; she has learned that if she consciously acknowledges, “Yes, I am blushing. No, there is nothing I can do about it,” it will pass. If she tries to fight or control it, the blush intensifies. See HILLIARD, *supra* note 11, at 58 (“[I]nterestingly, [blushing] is a topic often ignored or only briefly mentioned in most social anxiety literature.”).

111. *Id.* at 63 (encouraging individuals to “take ownership” of blushing by stating, “I am blushing myself.”).

112. *Id.* at 60.

113. *Id.* at 64.

114. *Id.* at 62.

ing the moment when a disagreeable physical sensation commences; (2) disrupting the automatic panic/self-judging reaction; (3) letting the physical manifestation run its course; and (4) marveling as it wanes.

4. "Just Be It" Warriors Can Flip the Message

The next step of the "Just Be It" journey is to flip the unhelpful messages from the past into emboldening personal taglines for the future. Drs. Markway, Carmin et al., suggest, "[t]o get rid of self-defeating thoughts . . . you must learn to replace them with more adaptive and constructive thoughts, called *coping statements*."¹¹⁵ Instead of harmful rebukes such as, "I'm such a wimp; I can't do this; I'll never cut it as a lawyer; everyone can see my stupid red blotchy face," Drs. Markway, Carmin et al., encourage the anxious speaker to flip these jibes into "realistic" and "brief and simple" affirmations, such as:¹¹⁶

"Most people will accept it if [my face turns fire engine red when I deliver my oral argument.] I can cope with disapproval. It's not that bad."¹¹⁷

"Most professors will accept it if I stumble over a word or phrase. I can cope with a disapproving look. It's not that bad."

"Most of my fellow law students will accept it if I don't know the answer to a confusing Socratic question. I can cope with not being perfect. It's not that bad."

Drs. Markway, Carmin et al., recommend crafting new "coping statements" to disrupt "maladaptive thoughts,"¹¹⁸ and writing out a "coping card"¹¹⁹ if a physical tangible reminder is necessary to stop the negative cycle. Hilliard agrees that anxious speakers should "listen to the negative messages that you tend to give yourself, and then . . . invent an antidote, a completely opposite message."¹²⁰ When the "voice" chimes in with a totally unworkable "you can't do this," the speaker must perform the mental version of "stop, drop, and roll," and say, "wait a minute, I can actually do this." The

115. MARKWAY ET AL., *supra* note 39, at 69.

116. *Id.*

117. *Id.*

118. *Id.* at 70.

119. *Id.*

120. HILLIARD, *supra* note 11, at 151.

pattern might continue: “But what if it doesn’t go well?” Oh, “but what if it does?”

5. *“Just Be It” Soldiers Will Achieve Success through Gradual “Exposures” with a Deliberate Agenda and Purpose*

Once a hesitant speaker learns the basics of “Just Being It,” through: (a) observing cognitive and physical responses; (b) re-programming previously maladaptive secondary responses; and (c) flipping the message, it is time to practice this new cycle. Once again, this is not a no-holds-barred “Just Do It!” approach; rather, experts advise anxious speakers to develop a measured “exposure agenda” and engage in a gradual sequence of “winnable” public speaking scenarios. Flowers describes the notion of “exposure” as follows:

Sometimes the very things that hurt and scare us also offer a healing balm. In regard to shyness and social anxiety, this means finding healing by turning toward and looking within interpersonal relationships. In the parlance of psychology this is called exposure, and it’s an important part of cognitive behavioral therapy for the treatment of shyness.¹²¹

Drs. Markway, Carmin, et al., relay that “[t]he term exposure simply refers to the process of facing your fears, rather than avoiding situations that engender them.”¹²² Of course, there is a critical distinction between confronting one’s fears via measured exposure versus all-out “Just Do It” anarchy.

An effective exposure involves allowing an anxious public speaker to enter the realm of a public speaking scenario, experience the swell of the often scary mental and physical responses, make subtle changes in cognitive, physical, and behavioral reactions, linger in the episode long enough for the undesirable reflexive reactions to recede, and complete the event in a calmer state. Flowers describes how, within the exposure, individuals “approach and stay near the edge of [the] social anxiety and fear deliberately. Gradually, [they will] develop a different relationship with these emotions and the people [they are] interacting with.”¹²³

The first step is to develop an exposure plan or agenda. Flowers describes the process as follows:

121. FLOWERS, *supra* note 8, at 145.

122. MARKWAY ET AL., *supra* note 39, at 81.

123. FLOWERS, *supra* note 8, at 149.

[Individuals should] come up with a list of social situations that are likely to elicit anxiety or shyness, and rate the severity of the anxiety, fear, or avoidance they're likely to provoke. Then you arrange the situations in a hierarchy from least to most distressing and begin to intentionally expose yourself to these situations to build tolerance, beginning with a low-ranked item.¹²⁴

The ideal agenda reflects a thoughtfully-constructed incremental progression, rather than a series of abrupt confrontations, starting with less daunting public speaking scenarios and working up to more stressful ones.¹²⁵ Experts confirm that "gradual practice [is] clearly superior to taking on the most frightening tasks early on . . . [Individuals] want to be challenged, not overwhelmed."¹²⁶ Interestingly, psychologists indicate that exposures do not need to be in live social, professional, classroom, or courtroom environments; some agenda events can be visualized in the comfort and safety of a person's home. "In vivo" exposure is the term experts use to describe a scenario that "takes place in the actual situation"¹²⁷ while "imaginal" exposure "is carried out in your mind."¹²⁸

Regardless of the type of exposure, the critical requirement is that the individual stays in the exercise long enough "to feel the rise and fall of anxiety symptoms."¹²⁹ Flowers says, "in most cases, once a strong reaction has happened, it can take fifteen or twenty minutes for the body to physically assimilate all of the self-calming hormones and chemicals it has produced and once again find its steady state."¹³⁰ In order for each exposure to contribute worthily to a long-term holistic amelioration of extreme public speaking anxiety—rather than undermine this aspiration—the individual must dwell in the discomfort until his or her "anxiety level begins

124. *Id.* at 163.

125. MARKWAY & MARKWAY, *supra* note 10, at 152 ("The trick is to break your fears into a series of steps, with the first few steps being only mildly challenging, with later steps increasing in difficulty. To do this, you create what's called a 'hierarchy'—a list of the situations that elicit anxiety, rank ordered by the amount of distress each would lead to if you entered the situation."). *Id.* at 99.

126. MARKWAY ET AL., *supra* note 36, at 107 (citing a 1981 study by Drs. Andrew Matthews, Matthew Gelder, and Derek Johnson).

127. MARKWAY & MARKWAY, *supra* note 10, at 157.

128. *Id.*; see also HILLIARD, *supra* note 11, at 106 ("Studies have shown that in the process of imagining, people experience changes in muscle activity, oxygen consumption, blood flow, and blood pressure."); HILLIARD, *supra* note 11, at 120 ("The power of imagination is formidable. It can direct physiological responses in the body, evoke emotions, heal and save lives, and enhance performance.")

129. HILLIARD, *supra* note 11, at 175.

130. FLOWERS, *supra* note 8, at 120.

to decline, preferably to a mild level. The theory is that if you leave the situation while your anxiety is still high it reinforces your fear and can do more harm than good.”¹³¹ Hilliard cautions, “[i]f you quit while your sympathetic nervous system is on full blast, with your heart racing and your breath speeding, you don’t get to experience the relief of anxiety reduction. You don’t have the opportunity to develop trust that things will work out.”¹³² This principle is why many attempts at “Just Do It” fail and indeed can have further detrimental effects on a sufferer of extreme public speaking anxiety.

Drs. Markway and Markway reassure individuals that “[f]acing your fears can be powerful, especially when you stay in the situation long enough to learn that you *can* cope with it and that a catastrophe isn’t likely to occur.”¹³³ Anxious speakers who embrace this process will start to realize that the unpleasant mental and physical reactions always subside.¹³⁴ With a well-planned exposure agenda, “Just Be It” explorers soon learn to trust the system. They become more adept at staying in the moment, riding the rise and fall of the automatic responses, flipping the message, and noticing the retreat of the pulse of anxiety to a calmer state.

The end result involves “habituation” and “desensitization.” Habituation is the lessening of the natural or innate response to a given trigger.¹³⁵ Desensitization is a decrease in the harmful emotional reaction to a particular catalyst.¹³⁶ This author, however, does not want to encourage a definition of desensitization that would extinguish *all* emotional responses; as mentioned earlier in this article, according to author M.F. Fensholt, “[c]reativity and emotional sensitivity are two positive traits often shared by people who experience anxiety.”¹³⁷ In the law school context, we want creative and empathetic law students and aspiring lawyers. But we can help channel emotional sensitivity in a healthy direction.

Experts consistently highlight the important of *gradational* exposure—in calculated increments. Drs. Markway and Markway emphasize that the “key to successful exposure treatment is to go slowly and don’t take on more than you can handle. Obviously, ex-

131. MARKWAY & MARKWAY, *supra* note 10, at 153.

132. HILLIARD, *supra* note 8, at 180.

133. MARKWAY & MARKWAY, *supra* note 10, at 146.

134. HILLIARD, *supra* note 8, at 175.

135. MERRIAM-WEBSTER, <http://www.merriam-webster.com/dictionary/habituation> (last visited Jan. 26, 2015).

136. *Id.*

137. FENSHOLT, *supra* note 7, at 67.

posures are going to create some anxiety. That's necessary for habituation to take place."¹³⁸ Further, desensitization "can be accomplished in a 'systematic' way. The system is to expose yourself very gradually to the situation that intimidates you."¹³⁹ After recurrent successful exposures (and perhaps recovery from intermittent unsuccessful ones), the process of habituation should eventually occur. Drs. Markway, Carmin et al., explain that "[w]ith repeated, properly executed exposures, your body begins to react more calmly in a situation that used to make you nervous. This occurs naturally (to some extent) with repetition. We call this *habituation*."¹⁴⁰ As the reticent speaker moves through a well-plotted exposure plan, he becomes adept at cycling through "(1) sensing the automatic reactions, (2) acknowledging the reactions, (3) flipping the message and making subtle adjustments in mental and physical stance, (4) calming down" more quickly. As the body and mind adjust to settling down faster, the individual reframes his or her attitude toward public speaking experiences, gaining confidence along the way.

The beauty of this process is that it redirects all the negative and destructive energy formerly expended in resisting, avoiding, or reacting to stress into positive and constructive power; "[e]nergy and attention that formerly had no place to go can now be channeled."¹⁴¹ Of course, the foregoing sequence is not an easy, one-size-fits-all, overnight quick-fix. Flowers underscores that "[a]nxiety is an intense emotion, and one of the most challenging to work with."¹⁴² The end goal in working with individuals who suffer with extreme public speaking anxiety is to help them "cultivate clarity and equanimity, or composure, so that [they] welcome emotions without being overwhelmed by them."¹⁴³ These individuals irrefutably can learn "to listen to and honor [their] emotions without being taken over by them."¹⁴⁴ This is a very freeing idea.

IV. LAW SCHOOL STUDENTS BENEFIT FROM THE MINDFUL "JUST BE IT" APPROACH

A law school in New York has experimented with the "Just Be It" approach via a pilot program tailored to help first-year students address extreme public speaking anxiety. In advance of the Spring

138. MARKWAY & MARKWAY, *supra* note 10, at 152.

139. HILLIARD, *supra* note 11, at 113.

140. MARKWAY ET AL., *supra* note 36, at 82.

141. HILLIARD, *supra* note 11, at 124.

142. FLOWERS, *supra* note 8, at 110.

143. *Id.* at 104.

144. *Id.* at 105.

2012 first-year oral argument program,¹⁴⁵ New York Law School launched an Overcoming Public Speaking Anxiety (OPSA) workshop—a series of five 45-minute sessions conducted during the five weeks leading up to the students’ oral arguments. These workshops were repeated in the spring of 2013 and 2014.

In the first year, fifty-five students expressed interest in the workshop series, indicating in emails that they suffered from “major” public speaking anxiety and were fearful of the upcoming oral arguments. Approximately twenty-four of those students attended all five workshops. In 2013, another twenty-two students participated, and in 2014 a smaller group engaged in the entire workshop sequence. Interestingly, in all three series, the overwhelming majority of workshop attendees were women. Most participants considered themselves to be introverts but some declared they were extroverts for whom law school had sparked this new anxiety. Many attendees were minority students. Some participants noted that they had upbringings cloaked with religious or cultural expectations to act a certain way or play a designated role within family or social interactions.

The arc of the five OPSA workshop sessions tracked chapters of a book by Ivy Naistadt entitled, *Speak Without Fear*¹⁴⁶: (1) “Workshop #1” reassured students that they were not alone in this particular law school challenge, and prompted participants to identify their individual “nervousness profile”;¹⁴⁷ (2) “Workshop #2” explained potential environmental contributors to public speaking anxiety, and gently encouraged students to (a) reflect on possible negative messages received in their past from authority figures, (b) identify self-perpetuating “myths” about their public speaking, and (c) dig for deeper hidden barriers; (3) “Workshop #3” explored physical manifestations of stress during public speaking, and offered techniques for adopting a balanced “athlete-style” physical stance during public speaking episodes, to un-block breath and blood flow; (4) “Workshop #4” concentrated on “flipping” self-defeating emotional messages into positive personal taglines, establishing new

145. At NYLS, the oral argument is the final graded assignment in the students’ four-credit spring-semester Legal Practice class, which is a full-year, eight-credit class overall. The oral argument comprises ten percent of the students’ final grade and occurs at the end of the spring semester after the students have submitted appellate briefs.

146. See IVY NAISTADT, *SPEAK WITHOUT FEAR: A TOTAL SYSTEM FOR BECOMING A NATURAL, CONFIDENT COMMUNICATOR* (2004).

147. Naistadt identifies four “nervousness profiles”: Avoider, Anticipator, Adrenalizer, and Improviser. *Id.* at 20–28. “Workshop #1” explained the nature of these four profiles and asked students to “free write” about why they believed they fit in certain categories.

coping/conquering techniques, and developing physical and psychological "pre-game" routines; and (5) "Workshop #5" presented strategies for re-framing and re-inventing oneself for a particular public speaking scenario, such as an upcoming oral argument. Each week the students read chapters of the Naistadt book, and completed short writing/self-reflection exercises (kept by the students for personal use only).

In response to a follow-up email invitation, some of the OPSA participants, and members of the NYLS Moot Court Association who generously served as mentors to program attendees, shared their opinions about the "Just Be It" approach, as contrasted with "Just Do It." The following is a sampling of their responses.

Matt James, Chair of the Executive Board of the NYLS Moot Court Association in 2012–2013, supported the "Just Be It" process, stating:

Depending on students' level of anxiety, they may not be able to simply throw themselves at their worst fear any more than someone with a fear of heights could go rock climbing. Simply telling them to "just do it" is just a demonstration of the way the world mistakenly treats psychological conditions. The manic are told to "calm down," the depressed to "cheer up," the traumatized to "move on," and the terrified to "man up." Each of these might be appropriate for a mentally healthy friend, but are not useful in motivating someone who truly struggles with a psychological condition. Without claiming to have any particular clinical expertise, I've found that the more appropriate point to make to a student (especially a law student) struggling to overcome this fear is a slightly different message than "just do it." The message should be, "something must be done." [This] acknowledges that the student's fear is genuine and not just a general dislike for the activity. It also drives home the point that while they need not throw themselves into deep water, it is imperative that they seek out guidance, counseling, or treatment in order to overcome their fears. It's that message that places students in [the OPSA] classroom every year looking for help. Students receiving the alternative message that they must simply do what they are not yet mentally prepared to do are likely to avoid public speaking altogether (to their own personal/professional detriment). Without [a psychological] approach, students needing help are faced with the false choice of either competing against their peers while under the added pressure of crippling anxiety or placing limits on their potential

by removing themselves from public speaking assignments altogether. As with most things, the most extreme positions are not meant to be taken. Instead those positions should serve as guideposts marking the more reasonable path that falls somewhere between them. Students need to know that OPSA and programs like it are that path forward.

Three students described the benefits of realizing that they were not alone with their fears. For example, New York Law School student, Miranda Fansher, 2L, who participated in the OPSA workshops in Spring 2014, wrote:

[I]t helped a lot to know that other students feel the same fears as I do. “Just do it” does not work—my anxiety is deeply rooted, some originated from my parents, myself, my environment, some comes from the audience, how much exercise/sleep [I have had and] how happy I am in general. I was a shy child and my mother reinforced “ladylike” behavior . . . [I now know] I am the one who is acting like prey and only I can control my fear and its physical manifestations.

Another student, Molly Rogowski, 3L, who participated in the 2012 workshops, and who is now a Justice Action Center Rapoport Fellow and Vice President of the Anti-Trafficking Law Students Association, noted, “[k]nowing that I wasn’t the only one who had a fear of public speaking was very comforting to me when I started the [OPSA workshop].” Further, Haejung Min, a 2014 NYLS graduate, noted:

The OPSA workshop helped me a lot. My biggest encouragement from the workshop was the shared past experiences. No one would really think that professors who have a litigation background would have undergone the same type of anxiety. But when [the workshop leader] “confessed” during our first meeting that [she] got rashes, that [she was] afraid to stand in the courtroom, it somehow eased my mind. Knowing that I am not the only one who fears public speech, and learning that there is nothing wrong with it, really helps . . . I still have my moments of difficulty but I have trained myself to “breathe” since then. My speaking anxiety never fades away. It is still there. But now I know that there is nothing wrong with it.

Finally, Andrew Heymann, a 2014 graduate of NYLS, and a member of the inaugural 2012 workshop series who eventually became a wildly successful member of the NYLS Moot Court Association, described his experience as follows:

The root of my public speaking anxiety is and was a feeling of subordination [and] inferiority to those older and more experienced than me. I felt that older people (professors, attorneys) were therefore smarter and more knowledgeable than me. I felt that despite how well I prepared, they could see through the “act” and tell that I was just playing at understanding the law. What helped me most with the OPSA classes was to think of myself on an equal footing as my audience (and maybe even a little better a footing [because of my preparation]). I now turn that outward focus, inward. Less “your audience is in their underwear” and more “I am a rockstar, let’s rock.” Because of the OPSA classes, I made Moot Court and my school’s prosecution clinic, in which I stood up on the record in NYC Criminal Court.

The foregoing voices support the notion that “Just Be It” can be more helpful to law students than just forcing them to jump into the fray without understanding and mindful reflection.

V. SUGGESTIONS FOR PROVIDING MEANINGFUL SUPPORT FOR LAW STUDENTS STRUGGLING WITH EXTREME PUBLIC SPEAKING ANXIETY

Law professors and administrators can assist students struggling with extreme public speaking anxiety by openly acknowledging this issue, reassuring students that their anxiety is in no way an indicator of future success (or lack thereof) as an attorney, and facilitating a mindful process for addressing it. Willing mentors can offer small informal roundtable groups, or more formal workshops like OPSA, to invite students to openly discuss and work on the following: (1) recognizing that this is not a quick-fix, but rather a process that *will* work with the right level of commitment and openness to self-examination; (2) hearing and transcribing the student’s negative messages automatically triggered by public speaking experiences, and acknowledging that those past slogans are impermanent, no longer relevant, and therefore changeable; (3) identifying the student’s physical manifestations of stress and understanding that biological reactions are temporary and will dissipate; (4) “flipping” the unhelpful messages from the past, and re-writing them

into useful cognitive prompts for the future; (5) developing a reasonable exposure agenda; and (6) engaging in gradual exposures to “winnable” public speaking episodes.

Many extraverted professors who never experienced public speaking anxiety believe they are helping reticent students by requiring them to push through challenging Socratic questioning or perform routine oral arguments in daily classroom interactions. Yet, as this article has explained, without the student’s deeper look at the underlying root causes of the anxiety and thoughtful development of a mindful and gradual plan for overcoming it, these rote command performances will never solve the problem, and unfortunately can exacerbate it. While professors should not excuse hesitant public speakers from these law school experiences, they should realize that these mandated “rite-of-passage” performances can do more harm than good for some students. Instead, if professors indicate they are willing to work with particularly anxious students, they can help create effective exposure agendas that allow students to start small and work toward more intense performance-oriented situations. For example, the professor might encourage a student to do the following:

1. Pre-Work:
 - a. Listen to, transcribe, and label the negative messages that routinely and automatically materialize during a public speaking performance;
 - b. Identify the physical manifestations of stress that appear uninvited during each stressful public speaking experience;
 - c. Flip the negative messages by writing out positive and encouraging personal taglines;
 - d. Resolve to do the following during each exposure event:
 - i. Allow the uncomfortable automatic mental and physical reactions to appear without resistance or attempt to control them;
 - ii. Take note of the negative messages and unpleasant physical sensations and acknowledge that they are impermanent;
 - iii. Re-focus on one or two positively re-framed messages;
 - iv. Make subtle adjustments to physical posture and stance to make way for breath and blood flow;

- v. Try to note at least a gradual “fall” of the anxiety symptoms, even if the subsidence does not occur until a self-imposed reflection period after the exposure event ends.
2. Gradual Exposure Agenda:
 - a. Make an appointment with an approachable law professor in office hours, to practice an intellectually-challenging one-on-one interaction;
 - b. Make an appointment with a more intimidating law professor in one-on-one office hours;
 - c. Raise his or her hand in class to voluntarily answer a single question;
 - d. Volunteer to be on-call in a class with an approachable law professor;
 - e. Practice a “moot” of a ninety-second oral argument before a classmate (with no judgment or feedback);
 - f. Practice a “moot” of a ninety-second oral argument before a single professor (with no judgment or feedback);
 - g. Practice a “moot” of a ninety-second oral argument before a single professor and an opponent (with no judgment or feedback);
 - h. Practice a “moot” of a ninety-second oral argument before a single professor and opponent (with feedback).
 - i. Conduct an oral argument before a panel of judges and an opponent.

With each of these exposures, the student needs the opportunity to (a) experience the rise of the negative and automatic emotional and physical responses, (b) practice “being in the moment,” not panicking at the automatic reflexes, but instead pausing, letting the emotions and physical reactions materialize, (c) flip the negative messages into positive ones, and make slight adjustments to physical stance to try to release some of the biological manifestations of the anxiety; and (d) then ride out the eventual descent of the intensity, to end the public speaking scenario (hopefully) in a more relaxed state. Because a ninety-second public speaking event is too short a period of time for anxiety symptoms to rise and fall entirely, professors should build in post-public-speaking-episode reflection periods (i.e., discussion, free writing, journaling) in which the student has time to verbalize or write out thoughts and feelings *while* returning to the more relaxed and calm steady state, instead of

brusquely returning to a classroom dynamic or jetting off to another class. Without completion of the rise and fall arc, the exposure loses efficacy as a building block in the gradual progression.

CONCLUSION

Law schools continue to operate—in administration and classrooms—as they have been for decades, and yet the daily message from market forces and practitioners is that legal education needs to change. One transformation we can make is to stop expecting all first-year students to fit the mold of the garrulous courtroom orator, and instead make space for the contemplative thinkers in our classrooms. Law school is stressful in general, but we foist heaps of unnecessary angst upon a particular cadre of students by forcing introverts to be extraverts, quiet students to be strident, collaborative students to be competitive, and thinkers to be talkers.

Ralph Waldo Emerson said, “[t]o be yourself in a world that is constantly trying to make you something else is the greatest accomplishment.”¹⁴⁸ This article strongly contends that if we allow introverted, shy, and socially anxious law students to “Just Be It,” minimizing—even for moments at a time—the judgment and critique that law school engages in on a daily basis, we might create a platform for these individuals to open up and truly stun the legal world.

148. You Motivation, *49 Quotes by Ralph Waldo Emerson to Help Change How You See Yourself*, <http://www.youmotivation.com/inspirational-quotes/49-quotes-by-ralph-waldo-emerson-9135> (last visited Feb. 8, 2015).