

# Utah Bar JOURNAL

Volume 35 No. 2  
Mar/Apr 2022



# Optimizing Pessimism

by Keith A. Call

Does anyone else out there get accused by their loved ones of having an “initial negative reaction” to everything? It doesn’t matter what it is, I have a bad habit of reacting negatively to a lot of ideas, even good ones.

As lawyers, we are skilled at being skeptical about anything anyone says. We are experts at exploring the worst possible outcome of any situation so we can take steps to protect against that outcome.

This might be okay at the office, but at home I often find it helpful to adopt the strategy of saying the exact *opposite* of what I am thinking, a strategy that worked famously well for the *Seinfeld* character George Costanza. See TBS, *Seinfeld: The Opposite (Clip)*, YouTube (July 2, 2014), [https://www.youtube.com/watch?v=1Y\\_6fZGSOQI](https://www.youtube.com/watch?v=1Y_6fZGSOQI).

### The Case for Pessimism

If you are a lawyer, it’s highly likely that you are also a pessimist. See Martin E.P. Seligman et al., *Why Lawyers Are Unhappy*, 10 DEAKIN L. REV. 49, 52, 55–56 (2005), available at <http://www5.austlii.edu.au/au/journals/DeakinLawRw/2005/4.html>. In fact, some research suggests that law school and law practice select for “pessimistic perfectionists,” and encourage and reward pessimism as an attribute. See Elizabeth Raymer, *Is It Best to Hire a Pessimistic Lawyer?*, CANADIAN LAWYER (June 11, 2021), available at <https://www.canadianlawyermag.com/resources/practice-management/is-it-best-to-hire-a-pessimistic-lawyer/357090>.

Before I bash too much on pessimism and its negative impacts, let me pause to point out that some forms of pessimism have actually been shown to have positive benefits. Using a less pejorative word for “pessimism” highlights its actual virtue. That word is “prudence.” See Seligman, *supra*, at 55. Your “prudence” has helped you make a living. Clients pay you to anticipate a full range of problems and then find ways to avoid them.

Research has also identified a particular type of pessimism, known as “defensive pessimism,” with other positive benefits. Pessimists can often channel defensive pessimism to help them

reach their goals. It can motivate you to work hard to avoid catastrophes, filling up that half-empty glass. Defensive pessimism can also be used as a strategy to manage anxiety. By setting low expectations and envisioning everything that might go wrong, pessimists can channel energy toward avoiding those bad outcomes, better face the anxiety of pursuing a goal, and lessen disappointment. See Fuschia Sirois, *The Surprising Benefits of Being a Pessimist*, THE CONVERSATION (Feb. 23, 2018), available at <https://theconversation.com/the-surprising-benefits-of-being-a-pessimist-91851>.

Now that’s an optimistic view of pessimism!

### Impact of Pessimism on Lawyer Well-Being

While these are great skills to have as a lawyer, they can also make us miserable if not kept in check. The negative impacts of pessimism on lawyer well-being cannot be ignored. As Martin Seligman and his co-authors write,

The qualities that make for a good lawyer, however, may not make for a happy human being. Pessimism is well-documented as a major risk factor for unhappiness and depression. Lawyers cannot easily turn off their pessimism (i.e. prudence) when they leave the office. . . . In this manner, pessimism that might be adaptive in the profession also carries the risk of depression and anxiety in the lawyer’s personal life.

Seligman, *supra*, at 56.

KEITH A. CALL is a shareholder at Snow, Christensen & Martineau. His practice includes professional liability defense, IP and technology litigation, and general commercial litigation.



Published statistics are staggering. This one about law students in Australia particularly caught my eye: “Depression among law students is 8–9% prior to matriculation, 27% after one semester, 34% after 2 semesters, and 40% after 3 years.” See Dave Nee Foundation, *Lawyers & Depression*, available at <http://www.daveneefoundation.org/scholarship/lawyers-and-depression/> (last visited Feb. 1, 2022) (citation omitted).

That’s staggering!

Closer to home in Utah, a recent survey suggests that 44.4% of responding Utah lawyers experience feelings of depression, and are 8.5 times more likely to report thoughts of being “better off dead or hurting themselves” compared to the general working population. See Matthew S. Thiese, *The Utah Lawyer Well-Being Study: Preliminary Results Show Utah Lawyers at Risk*, 33 UTAH B.J. 29, 30 (Mar./Apr. 2020) (quotation marks omitted); see also Utah Task Force on Lawyer and Judge Well-Being, *Creating a Well-Being Movement in the Utah Legal Community* 3, 6 (Feb. 2019), available at <https://www.utahbar.org/wp-content/uploads/2019/07/Task-Force-Report-2.pdf>. I’m sure this is the result of a lot more than just lawyer pessimism, but our natural pessimism can’t be helping with these problems.

Our pessimism can also negatively impact those around us. Exhibit A is my own “initial-negative-reaction” habit and the negativity it can create for those around me.

### Strategies for Being More Optimistic

An unhappy lawyer is at risk of making mistakes, including mistakes that can land you in ethical hot water. However, studies have shown that optimism is a choice, and it can be learned and improved, even over short periods of time. See, e.g., Yvo M.C. Meevissen et al., *Become More Optimistic by Imagining a Best Possible Self: Effects of a Two Week Intervention*, 42 J. BEHAV. THERAPY AND EXPERIMENTAL PSYCHIATRY 371 (Sept. 2011), available at <https://www.sciencedirect.com/science/article/abs/pii/S0005791611000358?via%3Dihub>.

Lists of how to develop and improve an optimistic outlook abound on the internet. Here is a short list I like, adapted mostly from Amy Morin, *Being Optimistic When the World Around You Isn’t*, VERYWELL MIND (Apr. 4, 2020), available at <https://www.verywellmind.com/how-to-be-optimistic-4164832>:

#### 1. Recognize Negative Thinking.

Most of our negative thinking is exaggerated. Reframing negative thoughts and emotions into more realistic

statements can help maintain a better outlook on whatever situation you face.

#### 2. Avoid Negativity.

Other people’s negativity can bring us down. Establish healthy boundaries with people whose negativity unduly hurts you. (Of course, if you stay too negative yourself, you could end up a very lonely person.) Don’t hesitate to turn off the news and other media influences when you feel their downward pull.

#### 3. Cultivate Positivity.

“Making other people feel positive has lasting effects on your own life.” *Id.* Look for ways, every day, to spread compliments and other forms of positivity to those around you. And don’t forget to do that for yourself by taking time at the end of each day to recognize some positive event or influence in your life.

#### 4. Imagine a Positive Future.

Consider serious challenges you face in your life and think about possible positive outcomes. Write them down if it helps.

#### 5. Practice Gratitude.

Thinking about all the things you have to be grateful for can give you an instant boost of optimism. Some people have found that keeping a gratitude journal can have a profound positive influence. Taking time to express gratitude to others is another great way to cultivate more optimism.

#### 6. Find Purpose in Your Practice.

Focusing on billable hours and dollar signs usually leads to burnout. Finding a greater purpose in your work, such as helping people in need, addressing a social issue, or mentoring others will help you have a more positive outlook on your own practice and our profession as a whole.

### Conclusion

So, what will you choose, pessimism or optimism? As for me, I’m not planning a wholesale abandonment of all “prudence” just yet. But I need to manage it better for sure. I’m going to try to lose my initial negative reactions, cultivate positivity with those around me, and express more gratitude. If you see me slip up, please help me out!

*Every case is different. This article should not be construed to state enforceable legal standards or to provide guidance for any particular case. The views expressed in this article are solely those of the author.*