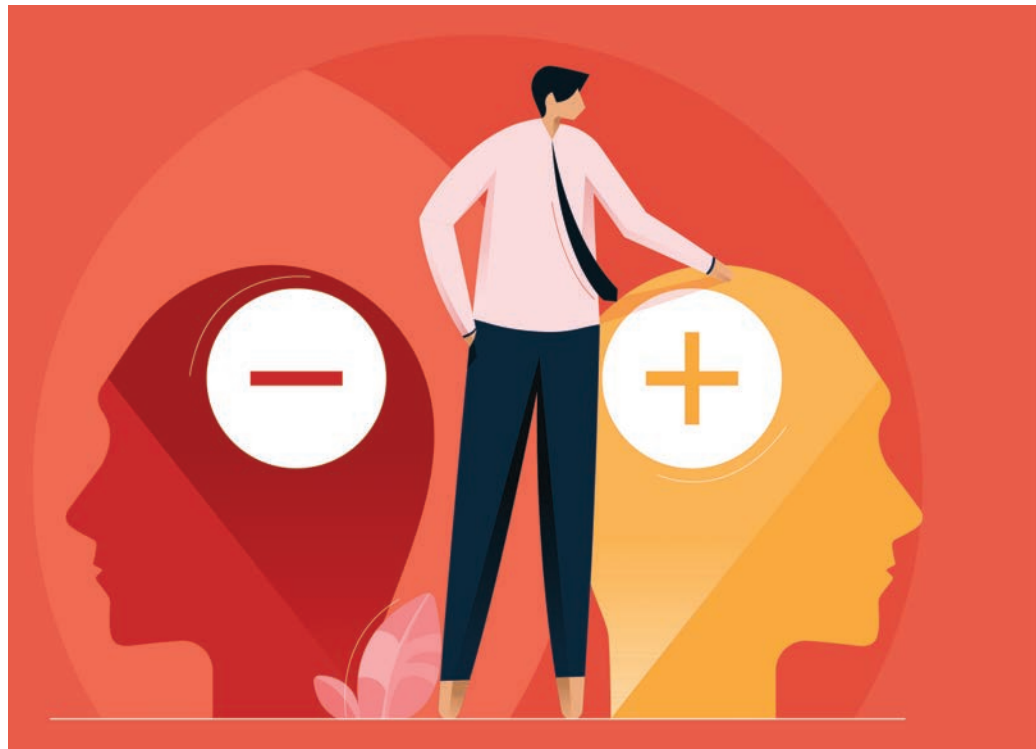


# Developing an IRAC Mindset

By TANYEE A. CHEUNG

**A**lmost universally, optimists tend to be more successful than pessimists. Education, military, athletics, the list goes on and on. There is one striking exception. Lawyers. Research reveals a surprising correlation between pessimism and success in law school. Students at the University of Virginia School of Law, Class of 1987, were tested for optimism-pessimism with the Attributional Style Questionnaire (“ASQ”). The ASQ is a well-standardized self-report measure of “explanatory style.” Optimists explain positive events in terms of personal, pervasive, and permanent and negative events as external, temporary, and specific and vice versa for pessimistic explanatory styles (“PES”). For instance, if one receives a bonus, an optimistic explanatory style (“OES”) would view this as I deserved the bonus (personally responsible), that I will often receive things I deserve (pervasive), and permanent (I will continue to get bonuses every year). A PES might see the event through a lens of external (the company had a good year, the boss is generous), temporary (business can’t stay this good), and specific (this is the only time I will get a bonus). In the University of Virginia School of Law study, students’ performance was tracked throughout law school (e.g. grades, law journal success, etc.). In sharp contrast to results in other areas of life, the students with PES performed better than those with OES.<sup>1</sup>

Right about now, you might be trying on your optimism coat thinking to yourself, good thing I am a pessimist! I would encourage you to keep the optimism coat



on AND at the same time recognize that it’s not a good thing to have PES. Unfortunately, whether we are by nature more pessimistic or cultivate this pessimism through countless hours of issue spotting practice, most lawyers do not leave their pessimism at the office/school. If you have PES, it likely pervades other parts of your life and studies almost universally show optimists have greater wellbeing, success, relationships, etc. So what is a lawyer to do? How do we retain our ability to issue spot and develop OES?

We develop an IRAC mindset. Wait, didn’t I just say issue spotting is a contributor to PES? Yes, but IRAC mindset isn’t IRAC writing. In mindset, IRAC stands for Identify, Realistic Views, Apply Thinking Tools, and Create Your World.

## Identify

To develop a more OES, we need to be aware of ourselves and the many thinking traps humans are prone to fall into and challenge ourselves to identify and overcome them. Thinking traps are cognitive distortions (inaccurate thoughts usually reinforcing negative thinking patterns) that influence our view of reality. All humans are susceptible to thinking traps, but lawyers who are trained to spot problems may be especially susceptible to seeing problems where there aren’t any. One common thinking trap is catastrophizing. As a young lawyer, every mistake I made immediately led my mind down the path of tanking the deal, losing my job, becoming homeless, and being abandoned by my dog (wait, I didn’t have time for a dog because I was always working,

but we will have to explore that in a future article). We need to recognize what thinking traps we're prone to fall into and how we can begin to slowly shift our way of thinking.

### Realistic Views

Once we are aware of our thinking traps, we can examine the situation through a lens of realism. "My dog doesn't actually care about my typo and likely won't abandon me." "Actually, I have been on deals where I have seen mistakes and the deal didn't crater." If a mistake meant losing your job, there probably wouldn't be any lawyers in the world.

### Apply Thinking Tools

Identifying our thinking traps and seeing the world through a realistic lens are two of the thinking tools we can use to move us along the OES path. Another powerful tool we can utilize is reframing. We often believe that an *activating event* (a situation, challenge, trigger) creates a *consequence* (feelings, responses, actions). A creates C. In fact, there is a vital piece missing, B. The same event does not lead to the same consequence for each person. Depending on an individual's belief, the consequences can be vastly different.

I saw early on as a summer associate how lawyers' minds can work. Late one evening, a litigation associate was FREAKING out because he had realized that the brief he filed with the court had numbers alongside the pages (these were known as line numbers, e.g. folks could note "put a comma after the word happy on line 273"). He was sure he was going to be fired. It was an important brief, filed on the deadline date and didn't meet the filing requirements. The associate was sure the brief would get bounced, the case would be lost, and he would be fired. The associate was panicked throughout the evening, he felt horrible, didn't sleep, was emotionally and physically drained, and was worse for it the next day as a result. The *activating event* (realizing the numbers had been left on the page), did not cause

these outcomes, the associate's *belief* did. Imagine a scenario with our OES SuperLawyer. The same event but our OES SuperLawyer's beliefs look like this: Everyone makes mistakes, we can probably fix this in the morning, I can ask my dinner companions at dinner if they have any experiences that can be helpful. A *activating event*—realizing line numbers were left on brief) did not lead to C (*consequenc-*

It is important to note that developing an OES is not encouraging turning a blind eye to real challenges. On the contrary, identifying challenges is part of our IRAC tool kit. But we must remember that while issue spotting is an important part of a lawyer's job, our clients pay us for solutions, not problems. See the challenges, consider options and pathways with a clear mind,

## List Out Thinking Traps

**Mind Reading** Expecting others to know what you want; Believing you know what others are thinking; Don't need to ask—I already know

**Me, Me, Me** Believing you are the sole cause of the problem; it's all my fault

**Them, Them, Them** Believing other or circumstances are the sole cause of the problem; client hates me, I didn't do anything wrong

**Catastrophizing** Believing the worst case scenario will happen

**Helplessness** Believing you have no control and negative events affect everything. It's no use, I give up.



es—stress, performance the next day). B (*belief*) did. The same activating event led to much different consequences based on one's belief.

Now, I know what some of you are thinking (you are lawyers, after all)—did the brief get bounced? Was the case lost? Did the associate's fear materialize? The truth is, the outcome doesn't really matter. In both circumstances, the OES SuperLawyer's evening, next day, life, and wellbeing were way better! Even in a worst case scenario, OES SuperLawyer would come out ahead. OES SuperLawyer didn't panic, they did what they could (asked dinner companions for views) and got a good night of sleep to face the challenges of the next day. For those who need to know, the case went fine and the court accepted a clean version of the brief the next day. As someone who clerked for a judge in the same district, I would later come to appreciate how happy we were to get briefs that were coherent with or without line numbers!

and you will know that you did what you could with the circumstances in the moment.

### Creating Our World

The final pillar of the IRAC mindset is Creating Our World. This should not be confused with creating *the* world. The universe will do what it will do. Much of life is outside our control. Whether it is an unforgiving partner, an injustice in a court case, or any plethora of other events, we must remember we cannot control the world, we can only control *our* world. Events will happen that will make us uncomfortable, angry, sad, insecure, insert your negative emotion here. These feelings are natural, and we should not try to resist feeling. The question I hope you pose to yourself is: after we have al-

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To help you along your practice, try using the worksheets available at [ctbar.org/wellness](http://ctbar.org/wellness).

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## Wellness

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lowed for our feeling, then what? When you face an unpleasant situation, what do you do? Do you focus on the unpleasant situation or finding a solution? If there isn't a solution, do you focus on the situation, the lack of solution, or do you shift to something else? When you hit a dead end, are you frustrated and hopeless? Or do you see your journey down this path as a learning opportunity and look to try another path? We are not in control of events, but we are in control of what we pay attention to, how we respond, and whether we continue forward or stop. We can create a world of excitement, curiosity, learning, opportunities, and hope or we can create one of fear, hardships, barriers, and despair. This is our choice, our power.

Victor Frankl famously noted: "When we are no longer able to change a situation, we are challenged to change ourselves." I hope that you join me and rise to the challenge, cultivate an IRAC mindset through continual practice, and create that better world for yourself! ■

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### NOTES

1. Satterfield, J. M., Monahan, J., & Seligman, M. E. P. (1997). Law school performance predicted by explanatory style. *Behavioral Sciences and the Law*, 15, 95-105.

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## DE&I

Continued from page 33

Diversity, Equity, and Inclusion Committee co-chair Salihah R. Denman provided closing remarks for the Summit, thanking those who attended, stating, "With your help, our diversity, equity, and inclusion efforts will move forward." She pointed to the CBA Future of the Legal Profession Scholars Program as one of many important projects being undertaken to increase diversity in the legal profession.

Thank you to the presenters and Diversity, Equity, & Inclusion Summit Committee members for organizing an interactive and engaging event and to all our sponsors for making the event possible. ■

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## Top Lessons Learned

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addressed above, including: whether vaccines can and should be mandated; whether COVID-19, "long COVID," and complications of pre-existing conditions which were caused by COVID-19 qualify as a disability under Americans with Disabilities Act and corresponding state law; whether work-from-home accommodations will be more often considered a "reasonable accommodation" by the courts; whether certain expenses incurred by employees who work from home, such as cost of equipment and household utilities, must be reimbursed by employers; what other work-related activities constitute on-the-clock work versus off-the-clock work, such as requiring testing or checking emails from home; and whether COVID-19-related injuries are compensable claims under the Worker's Compensation Act. What remains clear, however, is that employers and employees must continue to have open conversations about these matters. An employer's focus on employees' needs, desires, well-being, and engagement have substantial impacts on employees. Despite the pandemic, it is important that we, as humans in a workforce, are professional, appreciate others' efforts, and recognize the hard work of the members on our team. ■

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## Housing Matters

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Office-of-the-Governor/Executive-Orders/Lamont-Executive-Orders/Executive-Order-No-12D.pdf.

10. In April 2022, the Washington Post reported that rents in Hartford County increased 10.1% since 2019. By comparison, of the counties that make up New York City, the largest increase was in Brooklyn at a 2.8% increase. Abha Bhattarai, Chris Alcantara and Andrew Van Dam, *Rents are rising everywhere. See how much prices are up in your area*, WASH. POST, April 21, 2022, [www.washingtonpost.com/business/interactive/2022/rising-rent-prices](https://www.washingtonpost.com/business/interactive/2022/rising-rent-prices).

In 1960, 11.9 percent of Connecticut renters paid over half of their income on housing costs. That number steadily increased over time. 58 years later, in 2018, 21% of renters paid over half of their income on housing costs. Over the next two years, that number exploded to 26.9% of renters paying over half of their income towards housing costs in 2020. Connecticut saw a nine increase over 58 years, versus a six percentage increase in 2 years. One might imagine what the 2022 data will show. PARTNERSHIP FOR STRONG COMMUNITIES, HOUSING IN CT 2022, (Jan. 2022), <https://www.pschoosing.org/sites/default/files/Housing%20in%20CT%20finale%202022.pdf>.

11. Camila Vallejo, *In Connecticut, rental vacancy rates are the lowest in the U.S., leaving renters with few options*, CONN. PUBLIC, August 26, 2022, [www.ctpublic.org/news/2022-08-26/in-connecticut-rental-vacancy-rates-are-the-lowest-in-the-u-s-leaving-renters-with-few-options](https://www.ctpublic.org/news/2022-08-26/in-connecticut-rental-vacancy-rates-are-the-lowest-in-the-u-s-leaving-renters-with-few-options)

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## Young Lawyers

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erly understand the intricacies of a case or close a complex transaction. We do not shy away from the tough conversations in those situations. It's time we start putting in the hard work and make that same effort for each other. Our profession will be better for it. ■

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## President's Message

Continued from page 5

the old short calendar system. Mentors of old taught us how to be lawyers and the long-gone short calendar motion practice was our playground to earn our litigation stripes. We cannot fail our younger lawyers. Together we can create an efficient calendar that helps to lay the foundation for successful litigation careers. ■

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### NOTES

1. [www.americanbar.org/groups/litigation/committees/commercial-business/practice/2018/how-judiciary-is-helping-younger-lawyers-close-the-experience-gap](https://www.americanbar.org/groups/litigation/committees/commercial-business/practice/2018/how-judiciary-is-helping-younger-lawyers-close-the-experience-gap)
2. *Id.*
3. *Id.*