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## Every Silver Lining Has a Cloud: Defensive Pessimism in Legal Education

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# Every Silver Lining Has a Cloud: Defensive Pessimism in Legal Education

## Cover Page Footnote

Emily Zimmerman is a Professor of Law at the Drexel University Thomas R. Kline School of Law; J.D., Yale Law School; A.B., Bryn Mawr College. Casey LaDuke is currently a Neuropsychology Fellow in the Department of Psychiatry and Neurobehavioral Sciences at the University of Virginia Health System; Ph.D., Drexel University; M.S., Drexel University; B.A., University of Rochester. Casey LaDuke was a doctoral student in the Psychology Department at Drexel University when the empirical research project that we discuss in this Article was conducted. David DeMatteo, J.D., Ph.D., A.B.P.P. (Forensic), and Jennie Davis Wilusz, J.D., M.S., were our co-investigators on this research project. David DeMatteo is an Associate Professor of Psychology and Law, and Director of the J.D./Ph.D. Program in Law and Psychology at Drexel University. At the time of this research project, Jennie Davis Wilusz was a master's student in the Psychology Department at Drexel University. We are very grateful to David DeMatteo and Jennie Davis Wilusz for their contributions to this project. We also appreciate David DeMatteo's feedback on an earlier version of this paper and this note and willingness to be a resource throughout this project. We investigated defensive pessimism as a part of a larger research project. David DeMatteo was the principal investigator for this project. This Article focuses on the defensive pessimism part of the research project. We appreciate having had the opportunity to present information about our defensive pessimism research at the American Psychology-Law Society Annual Conference. Emily Zimmerman, Casey LaDuke, David DeMatteo & Jennie Davis, Defensive Pessimism and Law Students, Poster Presentation at the American Psychology-Law Society Annual Conference (March 8, 2014). We would also like to thank all of the individuals who provided support and assistance during this project, including Sunita Balija, Leah Brogan, Roger Dennis, Peter Egler, Daniel Filler, Hans Herzl-Betz, Michael Neher, Julie Norem, Kevin Oates, Kristin Brown Parker, Jay Wussow, and faculty members at the university where we recruited law student and undergraduate student participants, and Frank Russo and the other members of the Catholic University Law Review.

# EVERY SILVER LINING HAS A CLOUD: DEFENSIVE PESSIMISM IN LEGAL EDUCATION

*Emily Zimmerman and Casey LaDuke*<sup>+</sup>

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There has always been considerable interest in factors that predict law student academic performance.<sup>1</sup> These days, with fewer law school applicants,<sup>2</sup> some law schools are admitting students with traditional indicators of success that are lower than in the past when law schools had more applicants to choose from.<sup>3</sup> However, the utility of Law School Admission Test (LSAT) scores and undergraduate grade point averages (GPAs) to predict law school academic performance is limited,<sup>4</sup> and there is ongoing interest in whether there are other correlates of law school success besides LSAT score and undergraduate GPA.<sup>5</sup> If other factors could be identified as being important to law student success, then this could inform law schools' admissions decisions.<sup>6</sup> Law schools could use this information to identify students who would be more likely to succeed in law school despite having lower traditional indicators. In addition, students with similar LSAT scores and GPAs may end up performing quite differently in law school, so it would be useful to identify other factors that relate to law student

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1. See, e.g., Rolando J. Díaz, Carol R. Glass, Diane B. Arnkoff & Marian Tanofsky-Kraff, *Cognition, Anxiety, and Prediction of Performance in 1st-Year Law Students*, 93 J. EDUC. PSYCHOL. 420, 420–21 (2001); David A. Thomas, *Predicting Law School Academic Performance from LSAT Scores and Undergraduate Grade Point Averages: A Comprehensive Study*, 35 ARIZ. ST. L.J. 1007, 1010–11 (2003).

2. See, e.g., Danielle Douglas-Gabriel, *Why Law Schools Are Losing Relevance—And How They're Trying to Win It Back*, WASH. POST (Apr. 20, 2015), [https://www.washingtonpost.com/business/economy/why-law-schools-are-losing-relevance—and-how-theyre-trying-to-win-it-back/2015/04/20/ca0ae7fe-cf07-11e4-a2a7-9517a3a70506\\_story.html](https://www.washingtonpost.com/business/economy/why-law-schools-are-losing-relevance—and-how-theyre-trying-to-win-it-back/2015/04/20/ca0ae7fe-cf07-11e4-a2a7-9517a3a70506_story.html); Noam Scheiber, *An Expensive Law Degree, and No Place to Use It*, N.Y. TIMES (June 17, 2016), <http://www.nytimes.com/2016/06/19/business/dealbook/an-expensive-law-degree-and-no-place-to-use-it.html>. As of the beginning of August 2017, the number of law school applicants for the 2017–2018 academic year appeared to have declined slightly (0.1%) from the 2016–2017 academic year, although the number of applications had increased by 1.5%. *Three-Year Applicant Volume Graphs*, LSAC, <http://www.lsac.org/lisacresources/data/three-year-volume> (last visited Oct. 11, 2017).

3. See, e.g., Elizabeth Olson, *Study Cites Lower Standards in Law School Admissions*, N.Y. TIMES (Oct. 26, 2015), [http://www.nytimes.com/2015/10/27/business/dealbook/study-cites-lower-standards-in-law-school-admissions.html?\\_r=0](http://www.nytimes.com/2015/10/27/business/dealbook/study-cites-lower-standards-in-law-school-admissions.html?_r=0); Ry Rivard, *Lowering the Bar*, INSIDE HIGHER ED (Jan. 16, 2015), <https://www.insidehighered.com/news/2015/01/16/law-schools-compete-students-many-may-not-have-admitted-past>.

4. See, e.g., Jason M. Satterfield, John Monahan & Martin E.P. Seligman, *Law School Performance Predicted by Explanatory Style*, 15 BEHAV. SCI. & L. 95, 96 (1997).

5. See Díaz et al., *supra* note 1, at 421, 423; Ron Fagan & Paula Squitiera, *The Relationship Between Personality Characteristics and Academic Success in Law School*, 16 EVALUATION & RES. IN EDUC. 95, 96–97 (2002); Satterfield et al., *supra* note 4, at 96; Marjorie M. Shultz & Sheldon Zedeck, *Predicting Lawyer Effectiveness: Broadening the Basis for Law School Admission Decisions*, 36 LAW & SOC. INQUIRY 620, 621–22 (2011). Of course, to the extent that law schools want to prepare students for law practice and admit students who will ultimately be capable lawyers, underlying questions are whether law school academic performance is related to law practice ability and whether there are measures that law schools should be using to make admissions decisions that are more related to law practice ability than LSAT score and undergraduate GPA. Shultz & Zedeck, *supra*, at 621–22, 641, 650, 654, 656–57.

6. Shultz & Zedeck, *supra* note 5, at 621–22.

performance. Even more importantly, if there are other factors that correlate with law school academic performance, then law schools could use these factors to more accurately and, perhaps, more promptly identify students who might need additional support in law school.

Defensive pessimism is one factor that has been proposed to relate positively to law students' academic performance.<sup>7</sup> Defensive pessimism is a strategy in which anxious individuals set "unrealistically low expectations"<sup>8</sup> (relative to their past performance) and reflect extensively on potential pitfalls to prepare for upcoming events.<sup>9</sup> Psychologists Jason M. Satterfield, John Monahan, and Martin E.P. Seligman (one of the founders of the field of positive psychology<sup>10</sup>) initially suggested that defensive pessimism might be positively related to law students' academic performance to explain their surprising findings that optimistic law students actually performed worse than other students in law school.<sup>11</sup> The finding that law students with an optimistic explanatory style actually performed worse than other students in law school was contrary to the researchers' own expectations and contrary to existing research regarding optimism and performance.<sup>12</sup> These researchers did not study defensive pessimism, but they suggested that defensive pessimism might explain their findings.<sup>13</sup> This suggestion has had traction, as defensive pessimism has more

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7. Satterfield et al., *supra* note 4, at 104; Corie Rosen Felder, *The Accidental Optimist*, 21 VA. J. SOC. POL'Y & L. 63, 66, 97–99 (2014).

8. Julie K. Norem & Nancy Cantor, *Defensive Pessimism: Harnessing Anxiety as Motivation*, 51 J. PERSONALITY & SOC. PSYCHOL. 1208, 1208 (1986) [hereinafter Norem & Cantor, *Defensive Pessimism: Harnessing Anxiety as Motivation*].

9. *Id.*; Julie K. Norem, *Defensive Pessimism, Optimism, and Pessimism*, in OPTIMISM & PESSIMISM: IMPLICATIONS FOR THEORY, RESEARCH, AND PRACTICE 77, 77 (Edward C. Chang ed., 2001) [hereinafter Norem, *Defensive Pessimism, Optimism, and Pessimism*]. Individuals may use defensive pessimism as a strategy "without necessarily being aware" that they are doing so. *Id.* at 79. As Norem has stated, "[w]e do not assume that people are necessarily conscious of the strategies they use, although they may be. . . . [D]efensive pessimism . . . may be used without awareness of the process, the motivation, or the consequences. People may also be aware that they use a particular strategy without necessarily being aware of when or why they are using that strategy." *Id.*

10. Ed Diener, *Positive Psychology: Past, Present, and Future*, in OXFORD HANDBOOK OF POSITIVE PSYCHOLOGY 7, 8 (C.R. Snyder & Shane J. Lopez eds., 2d ed. 2009).

11. Satterfield et al., *supra* note 4, at 104. See Part I.B. for further discussion of this research study.

12. Satterfield et al., *supra* note 4, at 96, 98, 100–01; see also Todd David Peterson & Elizabeth Waters Peterson, *Stemming the Tide of Law Student Depression: What Law Schools Need to Learn from the Science of Positive Psychology*, 9 YALE J. HEALTH POL'Y L. & ETHICS 357, 398 (2009) ("In all of the studies conducted by psychologists on the impact of explanatory style on academic performance, the only academic setting in which a pessimistic explanatory style has been associated with improved academic performance is law school.").

13. Satterfield et al., *supra* note 4, at 104 ("It is possible that the pessimists in our selected sample are more similar to defensive pessimists than to the depressive pessimists found in the helplessness literature.").

recently been proposed—this time by a law professor—as an explanation for the findings of Satterfield, Monahan, and Seligman.<sup>14</sup>

There is intuitive appeal to the idea of a positive connection between defensive pessimism and academic performance in law school. Defensive pessimism involves anticipating problems that could arise with an upcoming performance (and taking steps to avoid those problems from happening).<sup>15</sup> Law students (particularly, but not exclusively, in the first year of law school) study the law by reading cases, which arise from circumstances gone wrong.<sup>16</sup> In addition, law students may be asked to consider legal issues that could arise in the context of hypothetical scenarios. After the first year of law school, law students may be asked to confront circumstances gone wrong as they represent clients in connection with clinical or other law practice experiences. Similarly, after law school, lawyers need to anticipate pitfalls on behalf of their clients and counsel their clients about how to avoid those pitfalls.<sup>17</sup> Thus, law students and lawyers may be immersed in situations that would seem to implicate aspects of defensive pessimism.<sup>18</sup>

Although scholars have raised the possibility that defensive pessimism might actually facilitate law students' academic performance,<sup>19</sup> we are not aware of any previous empirical research that has explored whether there is, in fact, a relationship between defensive pessimism and law students' academic performance. To fill this gap, we undertook an empirical research project to investigate whether there was a relationship between defensive pessimism and academic performance for law students. Consistent with prior suggestions, we hypothesized that defensive pessimism would be related to academic success for

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14. Felder, *supra* note 7, at 66, 97–99.

15. Norem, *Defensive Pessimism, Optimism, and Pessimism*, *supra* note 9, at 77–78.

16. See ELIZABETH MERTZ, *THE LANGUAGE OF LAW SCHOOL* 60 (2007) (“One feature of first-year legal education that is immediately apparent is a focus on case law . . .”). In a civil case, circumstances have gone wrong at least from the plaintiff’s point of view as indicated by the fact that the plaintiff has chosen to file a lawsuit. The defendant may not concede that circumstances have gone wrong or may not concede that the defendant is responsible for the circumstances that have gone wrong. Even from the defendant’s point of view, however, circumstances have gone wrong to the extent that the defendant has been sued. Similar points could be made about the prosecution’s and defendant’s points of view in a criminal case.

17. Catherine Gage O’Grady, *Cognitive Optimism and Professional Pessimism in the Large-Firm Practice of Law: The Optimistic Associate*, 30 L. & PSYCHOL. REV. 23, 23–24 (2006); MARTIN E.P. SELIGMAN, *AUTHENTIC HAPPINESS* 178 (2002) [hereinafter SELIGMAN, *AUTHENTIC HAPPINESS*]; Martin E.P. Seligman, Paul R. Verkuil & Terry H. Kang, *Why Lawyers Are Unhappy*, 23 CARDOZO L. REV. 33, 41 (2001) [hereinafter Seligman et al., *Why Lawyers Are Unhappy*]; see John Lande, *Escaping From Lawyers’ Prison of Fear*, 82 UMKC L. REV. 485, 490 (2014) (noting that “failing to anticipate possible problems when negotiating a transaction” is one fear that lawyers have).

18. See Part I.B. for further discussion of the theorized connection between defensive pessimism and both law study and law practice.

19. Satterfield et al., *supra* note 4, at 104; Felder, *supra* note 7, at 63, 66, 97–99.

law students. If there were a positive relationship between defensive pessimism and law students' academic performance, then that would provide empirical support for the suggestions of prior scholars and would provide an additional correlate to law students' academic performance. If defensive pessimism were not found to be positively related to law students' academic performance, then that would suggest the need to pursue another explanation for the results found by Satterfield, Monahan, and Seligman that optimistic law students tended to perform worse academically than their non-optimistic peers. Either way, empirically investigating the relationship between defensive pessimism and law students' academic performance would yield important and new information.

In addition to investigating the relationship between defensive pessimism and academic performance for law students, we also investigated the relationship between defensive pessimism and law students' psychological distress. Defensive pessimism is a strategy used by anxious individuals to manage anxiety related to an upcoming performance and to facilitate performance.<sup>20</sup> We were interested in exploring whether there would be a relationship between the use of defensive pessimism and psychological distress for law students.<sup>21</sup> If there were a relationship between defensive pessimism and psychological distress for law students, then that would contribute to our understanding of the psychological distress experienced by some law students and, perhaps, suggest ways to prevent or ameliorate that distress.

There is much that needs to be learned regarding law students' use of defensive pessimism. On the one hand, defensive pessimism might be consistent with law school training and might promote academic success in law school because defensive pessimism involves anticipating pitfalls (and then working to avoid them). On the other hand, thinking about all the things that could go wrong with a situation (even if one then works to prevent those things from going wrong) could be related to mental distress.<sup>22</sup> Thus, studying law students and

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20. Norem, *Defensive Pessimism, Optimism, and Pessimism*, *supra* note 9, at 77.

21. In their research with law school graduates, researchers found statistically significant positive correlations between defensive pessimism and anxiety, and between defensive pessimism and rumination. Kate Sweeny & Sara E. Andrews, *Mapping Individual Differences in the Experience of a Waiting Period*, 106 J. PERSONALITY & SOC. PSYCHOL. 1015, 1020 (2014) [hereinafter Sweeny & Andrews, *Mapping Individual Differences*]; *see also* Kate Sweeny, Chandra A. Reynolds, Angelica Falkenstein, Sara E. Andrews & Michael D. Dooley, *Two Definitions of Waiting Well*, 16 EMOTION 129, 140 (2016) [hereinafter Sweeny et al., *Two Definitions of Waiting Well*] (noting a positive correlation between defensive pessimism and distress). We hypothesized that there would be a relationship between defensive pessimism and stress for law students.

22. SELIGMAN, *AUTHENTIC HAPPINESS*, *supra* note 17, at 178 (noting that while the ability to anticipate pitfalls is useful for lawyers, "a trait that makes you good at your profession does not always make you a happy human being.").

defensive pessimism could shed light on factors related to both law students' academic performance and law students' mental health.<sup>23</sup>

Although there would seem to be congruence between law school training and defensive pessimism, law students' use of defensive pessimism relative to the use of defensive pessimism by individuals who are not law students has not been studied. As part of this research project, we investigated undergraduate students' use of defensive pessimism and the use of defensive pessimism by individuals who were neither law students nor undergraduate students.<sup>24</sup> That way, we would be able to compare defensive pessimism among law students, undergraduate students, and community members to see whether law students had a tendency to endorse the use of defensive pessimism more strongly than other participants in our research project.<sup>25</sup>

Our research findings advance an understanding of law students and defensive pessimism, and have implications for both legal educators as well as future research with law students. First, contrary to the suggestions of previous scholars and our own hypothesis, we did not find a relationship between defensive pessimism and law school academic performance.<sup>26</sup> These results suggest that defensive pessimism is not the explanation for Satterfield, Monahan, and Seligman's finding that optimistic law students performed worse than other law students and that other explanations for these researchers' finding should be explored.<sup>27</sup> On the other hand, our results regarding defensive pessimism and law students' academic performance are consistent with prior research finding no statistically significant difference between the GPAs of defensively pessimistic and strategically optimistic undergraduate students,<sup>28</sup>

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23. A related question concerns the impact (both regarding academic performance and mental health) of being immersed in studying cases, particularly during the first year of law school, on law students who are not defensive pessimists. Law students who are defensive pessimists might have an affinity for reading cases involving circumstances gone wrong and for anticipating pitfalls. However, law students who do not use defensive pessimism as a strategy might have a particular disconnect with studying cases and anticipating pitfalls. Additional reasons for investigating law students and defensive pessimism are discussed in Part I.B.

24. We use the term "community members" to refer to those participants in our research project who were neither law students nor undergraduate students.

25. We hypothesized that law students would endorse defensive pessimism more strongly than undergraduate students or community members.

26. *See infra* Part II.B.2.

27. As discussed later, it would be valuable for future research to be conducted to determine whether our results are replicated with other law students. *See infra* Part III. In addition, it would be worth seeing whether Satterfield, Monahan, and Seligman's results would be replicated if the research were repeated. *See* Peterson & Peterson, *supra* note 12, at 401 ("[A]dditional studies may produce different results [than those found by Satterfield, Monahan, and Seligman], so the subject is surely worthy of further empirical research.").

28. Julie K. Norem, *Cognitive Strategies as Personality: Effectiveness, Specificity, Flexibility, and Change*, in PERSONALITY PSYCHOLOGY: RECENT TRENDS AND EMERGING DIRECTIONS 45, 50 (David M. Buss & Nancy Cantor eds., 1989) [hereinafter Norem, *Cognitive Strategies as*



further suggesting that law students may not be so different from other students after all.<sup>29</sup>

Second, and also supporting the conclusion that law students are not qualitatively different from other students who have been studied in defensive pessimism research, we found a positive relationship between defensive pessimism and law students' psychological distress.<sup>30</sup> These findings, together with our findings regarding academic performance,<sup>31</sup> suggest that academic performance alone cannot be used as a proxy for psychological distress. Some law students will experience psychological distress, but that distress will not be reflected in their academic performance. While defensive pessimism may be an adaptive strategy in that it facilitates the performance of anxious individuals, defensive pessimism may not be adaptive because by facilitating performance, it may impede the identification and treatment of law students who are in psychological distress. Even if students are not struggling academically, they might be struggling psychologically, and this could impact students' well-being in law school and thereafter in law practice. A concern for law students' well-being should extend beyond a focus on students' academic performance. Legal educators should be sensitive to law students' use of defensive pessimism as a strategy and to the fact that law students who are performing well might nonetheless be in distress.

Third, our findings suggest that there is variation in the extent to which law students use defensive pessimism as a strategy. This suggests that legal educators should be sensitive to the fact that different students use different strategies in connection with upcoming performance events<sup>32</sup> and that the strategies that educators use may conflict with those used by students. To the extent that we advise students regarding useful strategies or to the extent that we

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*Personality*]; Nancy Cantor & Julie K. Norem, *Defensive Pessimism and Stress and Coping*, 7 SOC. COGNITION 92, 98 (1989) [hereinafter Cantor & Norem, *Defensive Pessimism and Stress and Coping*]; Norem & Cantor, *Defensive Pessimism: Harnessing Anxiety as Motivation*, *supra* note 8, at 1211, 1213. *But see* Cantor & Norem, *Defensive Pessimism and Stress and Coping*, *supra*, at 105–06; Norem, *Cognitive Strategies as Personality*, *supra*, at 52.

29. Finding that there was not a statistically significant difference between the defensive pessimism scores of law students and undergraduate students, although there were statistically significant differences between the defensive pessimism scores of law students and community members, and undergraduate students and community members. *See infra* Part II.B.1.

30. *See infra* Part II.B.3.

31. We did not find a statistically significant relationship (positive or negative) between defensive pessimism and academic performance. *See infra* Part II.B.2. We also did not find a statistically significant difference between the law school GPAs of law students who were classified as defensive pessimists and law students who were classified as strategic optimists. *See infra* Part II.B.2.

32. Students in law school are routinely required to engage in “performance events.” For example, students are called on in class to respond to professors' questions about cases; in addition, students take exams, give class presentations and present oral arguments, write briefs and papers, and interview for jobs.

make assumptions about students based on their expressed approaches to performance situations, legal educators should be aware of different strategies that our students use and how those strategies might be different from our own. In addition, particularly in light of the growing interest in preparing law students to work effectively in teams,<sup>33</sup> our findings suggest that legal educators should prepare students to work collaboratively and constructively with individuals who use different strategies.

The remainder of this Article discusses defensive pessimism and our research project in more detail. Part I provides an overview of defensive pessimism and discusses defensive pessimism in the context of legal education. Part II describes our empirical research project regarding law students and defensive pessimism, and presents the results of this project. Part III discusses the implications of our findings for legal education, as well as the limitations of our research project and avenues for future research. Part IV concludes.

## I. DEFENSIVE PESSIMISM

### A. *An Overview of the Research*

Although optimism is generally presented as being preferable to pessimism,<sup>34</sup> defensive pessimism can be adaptive for some individuals.<sup>35</sup> Defensive pessimism can be an adaptive strategy for certain individuals because it helps

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33. See, e.g., ROY STUCKEY ET AL., BEST PRACTICES FOR LEGAL EDUCATION 119–20 (2007); Janet Weinstein, Linda Morton, Howard Taras & Vivian Reznik, *Teaching Teamwork to Law Students*, 63 J. LEGAL EDUC. 36, 41, 43 (2013) (“As the awareness of the power of teamwork grows in the legal community, we can expect greater appreciation of the need to teach teamwork skills in law school. . . . Legal education has more recently begun to attribute value to the idea of teaching teamwork and, in some cases, to teach it explicitly.”); Sophie M. Sparrow, *Can They Work Well on a Team? Assessing Students’ Collaborative Skills*, 38 WM. MITCHELL L. REV. 1162, 1162–63 (2012) (“Working with others is an important legal skill; and as law practice increasingly relies on collaboration among lawyers, legal staff, clients, and other individuals, so have legal employers raised the demand for effective collaborative skills among law students and recent graduates.”); Sophie M. Sparrow & Margaret Sova McCabe, *Team-Based Learning in Law*, 18 LEGAL WRITING 153, 164 (2012) (“Law students must be able to work collaboratively with other people, whether this takes the form of communicating with courts, clients, colleagues, or others.”). Although the interest in preparing law students to work in teams seems to be growing, this interest is not new. See Weinstein et al., *supra*, at 43–45.

34. See, e.g., Charles S. Carver, Michael F. Scheier & Suzanne C. Segerstrom, *Optimism*, 30 CLINICAL PSYCHOL. REV. 879, 880 (2010); O’Grady, *supra* note 17, at 23–25; Seligman et al., *Why Lawyers Are Unhappy*, *supra* note 17, at 34, 39–41, 43.

35. Norem, *Defensive Pessimism, Optimism, and Pessimism*, *supra* note 9, at 77. This section of the Article provides an overview of research regarding defensive pessimism. It is worth noting at the outset that all research regarding defensive pessimism does not assess defensive pessimism (or identify individuals as defensive pessimists) identically, either because there have been changes to the main instrument used to assess defensive pessimism or due to other differences in the methodology used by particular researchers for particular research projects. See, e.g., *id.* at 81–84 (discussing the development and evolution of the Defensive Pessimism Questionnaire).

them manage anxiety.<sup>36</sup> Rather than being incapacitated by anxiety over a future event, a defensive pessimist thinks in detail about that event—including thinking about what could go wrong.<sup>37</sup> Thinking about what could go wrong enables the defensive pessimist to focus on preparing for the upcoming event and take preparatory action to avoid anticipated pitfalls.<sup>38</sup>

Defensive pessimists set lower expectations for their performance despite acknowledging that they have performed well on similar tasks in the past.<sup>39</sup> Setting low expectations has been theorized to serve a self-protective function.<sup>40</sup> Individuals protect themselves from threats to their self-esteem by adjusting their expectations for their performance and anticipating a performance that is

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36. *Id.* at 77–78; Julie K. Norem, *Defensive Pessimism, Anxiety, and the Complexity of Evaluating Self-Regulation*, 2 SOC. & PERSONALITY PSYCHOL. COMPASS 121, 121 (2008) [hereinafter Norem, *The Complexity of Evaluating Self-Regulation*]; Norem & Cantor, *Defensive Pessimism: Harnessing Anxiety as Motivation*, *supra* note 8, at 1208; Julie K. Norem, *Defensive Pessimism as a Positive Self-Critical Tool*, in SELF-CRITICISM AND SELF-ENHANCEMENT 89–90 (Edward C. Chang ed., 2008) [hereinafter Norem, *Defensive Pessimism as a Positive Self-Critical Tool*].

37. Norem, *Defensive Pessimism, Optimism, and Pessimism*, *supra* note 9, at 77–78.

38. *Id.*; Cantor & Norem, *Defensive Pessimism and Stress and Coping*, *supra* note 28, at 99; Norem, *Defensive Pessimism as a Positive Self-Critical Tool*, *supra* note 36, at 90. In some ways, the use of the word “pessimism” in “defensive pessimism” is something of a misnomer. Optimists are sometimes described as “people who expect good things to happen,” while pessimists are described as “people who expect bad things to happen.” Carver et al., *supra* note 34, at 879. Although defensive pessimists may anticipate “bad things” that might happen to them, defensive pessimists are not convinced that those bad things will, in fact, happen. Norem, *Defensive Pessimism as a Positive Self-Critical Tool*, *supra* note 36, at 90; *see also* Andrew J. Martin, Herbert W. Marsh & Raymond L. Debus, *Self-Handicapping and Defensive Pessimism: Exploring a Model of Predictors and Outcomes from a Self-Protection Perspective*, 93 J. EDUC. PSYCHOL. 87, 88 (2001) [hereinafter Martin et al., *Exploring a Model of Predictors*] (distinguishing between “simply thinking about an outcome and actually expecting it”).

39. Julie K. Norem & Nancy Cantor, *Anticipatory and Post Hoc Cushioning Strategies: Optimism and Defensive Pessimism in “Risky” Situations*, 10 COGNITIVE THERAPY & RES. 347, 349, 359 (1986) [hereinafter Norem & Cantor, *Anticipatory and Post Hoc Cushioning Strategies*]; Nancy Cantor, Julie K. Norem, Paula M. Niedenthal, Christopher A. Langston & Aaron M. Brower, *Life Tasks, Self-Concept Ideals, and Cognitive Strategies in a Life Transition*, 53 J. PERSONALITY & SOC. PSYCHOL. 1178, 1180 (1987) [hereinafter Cantor et al., *Life Tasks*]; Julie K. Norem & Nancy Cantor, *Cognitive Strategies, Coping, and Perceptions of Competence*, in COMPETENCE CONSIDERED 190, 194 (Robert J. Sternberg & John Kolligian eds., 1990) [hereinafter Norem & Cantor, *Cognitive Strategies*]. Defensive pessimism is a strategy that individuals may use in particular domains (in other words, in some contexts but not in others). Norem & Cantor, *Anticipatory and Post Hoc Cushioning Strategies*, *supra*, at 353; Norem, *Cognitive Strategies as Personality*, *supra* note 28, at 53–54; Norem, *Defensive Pessimism, Optimism, and Pessimism*, *supra* note 9, at 79. Even in the same context, an individual’s use of defensive pessimism may vary or change over time. Norem, *Cognitive Strategies as Personality*, *supra* note 28, at 56–57.

40. *E.g.*, Norem & Cantor, *Defensive Pessimism: Harnessing Anxiety as Motivation*, *supra* note 8, at 1209; Martin et al., *Exploring a Model of Predictors*, *supra* note 38, at 88.

worse than might otherwise be expected given their past performance.<sup>41</sup> Setting low expectations has also been theorized to facilitate reflection because individuals will think about the specific reasons supporting their low expectations (and then will think about how they can take steps to remedy their concerns).<sup>42</sup>

Defensive pessimists do not believe they are helpless to affect future events and do not engage in behaviors that undermine their performance in stressful situations.<sup>43</sup> Although defensive pessimists may feel insecure about their ability to control upcoming events, defensive pessimists use the strategy to facilitate their performance, in part by reflecting on bad things that might happen in the future with respect to those events and taking steps to prevent those bad things from happening.<sup>44</sup> Thus, defensive pessimists' extensive reflection may enable them to assume control in situations where they initially feel lacking in control or uncertain about the outcome.<sup>45</sup> Defensive pessimists and individuals with depression have been found to report "similarly negative expectations" about upcoming events.<sup>46</sup> However, once the event is over, defensive pessimists are more similar to optimists than individuals with depression with respect to their

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41. E.g., Norem & Cantor, *Defensive Pessimism: Harnessing Anxiety as Motivation*, *supra* note 8, at 1209; Martin et al., *Exploring a Model of Predictors*, *supra* note 38, at 88.

42. Stacie M. Spencer & Julie K. Norem, *Reflection and Distraction: Defensive Pessimism, Strategic Optimism, and Performance*, 22 PERSONALITY & SOC. PSYCHOL. BULL. 354, 361 (1996) [hereinafter Spencer & Norem, *Reflection and Distraction*]. The strategy of defensive pessimism includes both setting low expectations and reflectivity. Martin et al., *Exploring a Model of Predictors*, *supra* note 38, at 88. Martin, Marsh, and Debus have researched low expectations and reflectivity as "separate constructs," *id.* at 98, and "recommended that future research recognise their distinctiveness." Andrew J. Martin, Herbert W. Marsh & Raymond L. Debus, *Self-Handicapping and Defensive Pessimism: A Model of Self-Protection from a Longitudinal Perspective*, 28 CONTEMP. EDUC. PSYCHOL. 1, 30 (2003) [hereinafter Martin et al., *A Model of Self-Protection*]; see also Marsh et al., *Exploring a Model of Predictors*, *supra* note 38, at 98. According to their research, setting low expectations may not necessarily be adaptive, while reflectivity may be more adaptive. Martin et al., *Exploring a Model of Predictors*, *supra* note 38, at 98; Martin et al., *A Model of Self-Protection*, *supra*, at 25–26. At the same time, Martin, Marsh, and Debus have recommended the need for further research regarding how low expectations and reflectivity "work together" in the context of defensive pessimism. Martin et al., *A Model of Self-Protection*, *supra*, at 30.

43. E.g., Cantor & Norem, *Defensive Pessimism and Stress and Coping*, *supra* note 28, at 94.

44. Norem, *Defensive Pessimism, Optimism, and Pessimism*, *supra* note 9, at 77–78. Although research has not focused on the extent to which the use of defensive pessimism is volitional, some researchers have suggested that individuals "are aware of their own strategies." Julie K. Norem & K.S. Shaun Illingworth, *Strategy-Dependent Effects of Reflecting on Self and Tasks: Some Implications of Optimism and Defensive Pessimism*, 65 J. PERSONALITY & SOC. PSYCHOL. 822, 829 (1993) [hereinafter Norem & Illingworth, *Strategy-Dependent Effects*].

45. See, e.g., Norem, *The Complexity of Evaluating Self-Regulation*, *supra* note 36, at 123–24; Martin et al., *A Model of Self-Protection*, *supra* note 42, at 4; see also Carolin Showers & Cherie Ruben, *Distinguishing Defensive Pessimism from Depression: Negative Expectations and Positive Coping Mechanisms*, 14 COGNITIVE THERAPY & RES. 385, 386, 395–96 (1990).

46. Showers & Ruben, *supra* note 45, at 392.

reported anxiety about the event and the extent to which they continue to think about the event, both of which decline after the event.<sup>47</sup>

Defensive pessimism is not the only strategy for managing anxiety about upcoming performance, although defensive pessimism is a more constructive strategy than others because it facilitates, rather than undermines, performance.<sup>48</sup> For example, defensive pessimism is distinct from self-handicapping. Self-handicapping occurs when an individual manages anxiety about an upcoming event by preemptively creating a justification for poor performance that is less threatening to the individual's self-esteem.<sup>49</sup> Students who engage in self-handicapping may spend too little time studying for an exam, so that they can attribute their poor performance to insufficient studying (a "lack of effort"), rather than a "lack of ability."<sup>50</sup> In contrast to self-handicapping, students who

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47. *Id.* at 396.

48. In fact, as a strategy that facilitates—rather than undermines—performance, defensive pessimism actually shares some commonality with optimism. See Carver et al., *supra* note 34, at 885 (stating that optimists “cope with stressful situations by remaining engaged in the goals and activities that the stressor is threatening”); see also Suzanne C. Segerstrom, Shelley E. Taylor, Margaret E. Kemeny & John L. Fahey, *Optimism Is Associated with Mood, Coping, and Immune Change in Response to Stress*, 74 J. PERSONALITY & SOC. PSYCHOL. 1646, 1650 (1998) (finding a statistically significant negative correlation between optimism and “avoidance coping” for first-year law students). It is also worth noting that there is not one definition of “optimism” and one definition of “pessimism”; “optimism” and “pessimism” are defined differently by different researchers. See *infra* note 89; see also Cantor & Norem, *Defensive Pessimism and Stress and Coping*, *supra* note 28, at 96–97 (comparing and contrasting defensive pessimism and pessimism as defined by other researchers); Norem, *Defensive Pessimism, Optimism, and Pessimism*, *supra* note 9, at 81, 87 (comparing and contrasting defensive pessimism and other definitions of pessimism). Although certainly distinct from defensive pessimism, there are other strategies that involve “the identification of obstacles to goal attainment” and the formulation of specific action plans in anticipation of obstacles in order to facilitate successful “goal pursuit.” Gabriele Oettingen & Peter M. Gollwitzer, *Strategies of Setting and Implementing Goals: Mental Contrasting and Implementation Intentions*, in SOCIAL PSYCHOLOGICAL FOUNDATIONS OF CLINICAL PSYCHOLOGY 114, 127 (James E. Maddux & June Price Tangney eds., 2010).

49. Norem, *Defensive Pessimism, Optimism, and Pessimism*, *supra* note 9, at 80; Martin et al., *A Model of Self-Protection*, *supra* note 42, at 3; Andrew J. Martin, Herbert W. Marsh, Alan Williamson & Raymond L. Debus, *Self-Handicapping, Defensive Pessimism, and Goal Orientation: A Qualitative Study of University Students*, 95 J. EDUC. PSYCHOL. 617, 618 (2003) [hereinafter Martin et al., *A Qualitative Study of University Students*]. Although defensive pessimism is different from (and, in some ways, contradictory to) self-handicapping, some students might use both strategies. María del Mar Ferradás, Carlos Freire & José Carlos Núñez, *Self-Protection Profiles of Worth and Academic Goals in University Students*, EUR. J. PSYCHOL. EDUC., Sept. 20, 2016, at 12 [hereinafter Ferradás et al., *Self-Protection Profiles*].

50. See Martin et al., *A Qualitative Study of University Students*, *supra* note 49, at 618. Self-handicapping itself is not necessarily a monolithic strategy; researchers have drawn distinctions between different types of self-handicapping. María del Mar Ferradás, Carlos Freire, José Carlos Núñez, Isabel Piñeiro & Pedro Rosário, *Motivational Profiles in University Students. Its Relationship with Self-Handicapping and Defensive Pessimism Strategies*, 56 LEARNING & INDIVIDUAL DIFFERENCES 128, 133 (2017) [hereinafter Ferradás et al., *Motivational Profiles in University Students*].

use defensive pessimism will use the strategy before a performance in order to motivate and facilitate their preparation for that performance (although setting low expectations may also be protective of the students' self-esteem if the performance does not go well).<sup>51</sup>

The strategy of defensive pessimism is contrasted with "strategic optimism."<sup>52</sup> Unlike defensive pessimists, strategic optimists are typically not anxious and are confident about their performance.<sup>53</sup> Strategic optimists prepare for upcoming events; however, they do not imagine themselves in those events and they "actively avoid thinking about negative [or positive] possible outcomes."<sup>54</sup> Although research conducted with first-year college students found that there was not a significant difference between the reflectivity of defensive pessimists and optimists in academic situations, these researchers found that reflectivity was positively related to GPAs for the defensive pessimists but negatively related to GPAs for the optimists.<sup>55</sup>

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51. See Martin et al., *A Model of Self-Protection*, *supra* note 42, at 3–4; see also Kate Sweeny & Angelica Falkenstein, *Even Optimists Get the Blues: Interindividual Consistency in the Tendency to Brace for the Worst*, J. PERSONALITY, 2016, at 8 [hereinafter Sweeny & Falkenstein, *Even Optimists Get the Blues*] ("[D]efensive pessimism serves its most useful function prior to a performance, when people retain direct control over their outcomes." (citations omitted)). In contrast to defensive pessimism, some students, under certain circumstances, might evaluate their performance more harshly after the performance has occurred in order to lessen their disappointment if they receive negative feedback regarding that performance (for example, after taking an exam but before receiving the grade for that exam). See Wilco W. van Dijk, Marcel Zeelenberg & Joop van der Pligt, *Blessed Are Those Who Expect Nothing: Lowering Expectations as a Way of Avoiding Disappointment*, 24 J. ECON. PSYCHOL. 505, 512 (2003); cf. Kate Sweeny & James A. Shepperd, Commentary, *The Costs of Optimism and the Benefits of Pessimism*, 10 EMOTION 750, 752–53 (2010) (examining the relationship between pre-feedback expectations and post-feedback affect, and noting that "managing one's expectations can be adaptive"); Sweeny & Falkenstein, *Even Optimists Get the Blues*, *supra* note 51, at 8 (discussing the benefits of lowering expectations shortly before receiving feedback). At that point, however, the students cannot actually do anything about the performance itself, in contrast to defensive pessimists, whose strategy spurs them to take action with respect to an upcoming performance. See van Dijk et al., *supra*, at 507 n.1. In fact, researchers have found that both dispositional optimists and defensive pessimists engage in "bracing" behavior (lowering expectations shortly before receiving feedback). Sweeny & Falkenstein, *Even Optimists Get the Blues*, *supra* note 51, at 7. Other students might engage in "retroactive pessimism" to cope with a disappointing performance by convincing themselves that they were not likely to succeed in the first place. See Orit E. Tykocinski & Noa Steinberg, *Coping with Disappointing Outcomes: Retroactive Pessimism and Motivated Inhibition of Counterfactuals*, 41 J. EXPERIMENTAL SOC. PSYCHOL. 551, 551 (2005).

52. Norem, *Defensive Pessimism, Optimism, and Pessimism*, *supra* note 9, at 80.

53. *Id.*; Spencer & Norem, *Reflection and Distraction*, *supra* note 42, at 355. As described by Norem, strategic optimists "feel in control of their own outcomes, and they set high expectations that are generally congruent with their perceptions of themselves and their past experiences." Norem, *Defensive Pessimism, Optimism, and Pessimism*, *supra* note 9, at 80.

54. Norem, *Defensive Pessimism, Optimism, and Pessimism*, *supra* note 9, at 80.

55. Cantor et al., *Life Tasks*, *supra* note 39, at 1187–89. It is not entirely clear from the literature whether the negative relationship between reflectivity and GPA for the optimists was statistically significant. Compare *id.* at 1187–89 (stating that "[h]igher reflectivity was quite

In general, when left to their own devices, defensive pessimists and strategic optimists appear to perform about the same.<sup>56</sup> Differences have typically not been found between the performance of defensive pessimists and strategic optimists on experimental tasks.<sup>57</sup> In addition, differences have generally not been found between the GPAs of defensive pessimists and strategic optimists,<sup>58</sup> and defensive pessimism has not been found to predict academic performance.<sup>59</sup> However, the performance of defensive pessimists and strategic optimists may be worse when their strategies are interfered with, although the data regarding this are somewhat mixed.<sup>60</sup>

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strongly related to higher GPA for pessimists, whereas it was negatively related for optimists” and reporting on the results of statistical analyses (including some nonsignificant regression coefficients)), with Norem, *Cognitive Strategies as Personality*, *supra* note 28, at 50 (“Playing through contingency plans is significantly negatively related to GPA for the optimists . . . . In contrast, it is significantly positively related for the defensive pessimists . . .”).

56. See *infra* notes 57–58 and accompanying text.

57. Norem & Cantor, *Defensive Pessimism: Harnessing Anxiety as Motivation*, *supra* note 8, at 1212; Norem & Cantor, *Anticipatory and Post Hoc Cushioning Strategies*, *supra* note 39, at 356–57; Norem & Illingworth, *Strategy-Dependent Effects*, *supra* note 44, at 826; Julie K. Norem & K.S. Shaun Illingworth, *Mood and Performance Among Defensive Pessimists and Strategic Optimists*, 38 J. RES. PERSONALITY 351, 361 (2004) [hereinafter Norem & Illingworth, *Mood and Performance*]; cf. Gregory S. Wilson, John S. Raglin & Mary E. Pritchard, *Optimism, Pessimism, and Precompetition Anxiety in College Athletes*, 32 PERSONALITY & INDIVIDUAL DIFFERENCES 893, 899 (2002) (finding no statistically significant difference when comparing the athletic performance of defensive pessimists, optimists, and pessimists). *But see* Norem & Illingworth, *Mood and Performance*, *supra*, at 356–57 (finding that defensive pessimists performed worse than strategic optimists on “mental arithmetic tests”).

58. See Cantor et al., *Life Tasks*, *supra* note 39, at 1186–87; Cantor & Norem, *Defensive Pessimism and Stress and Coping*, *supra* note 28, at 105–06 (reporting a difference in GPAs between defensive pessimists and optimists in the third year of college, but not the first or second years of college); cf. Scott Richard Berry, *An Exploration of Defensive Pessimism, Explanatory Style, and Expectations in Relation to the Academic Performance of College and University Students* 56–57, 63–66, 78 (May 2007) (unpublished Ph.D. dissertation, University of Louisville) (on file with the University of Louisville’s Institutional Repository) (finding no statistically significant differences when comparing the grades of students (undergraduate and graduate) with a “more pessimistic” explanatory style who had defensive pessimism scores in the top and bottom tertiles).

59. Andrew J. Elliot & Marcy A. Church, *A Motivational Analysis of Defensive Pessimism and Self-Handicapping*, 71 J. PERSONALITY 369, 384 (2003). Elliot and Church assessed participants’ use of defensive pessimism using some, but not all, items on the defensive pessimism scale developed by Cantor and Norem. *Id.* at 376 n.3.

60. Spencer & Norem, *Reflection and Distraction*, *supra* note 42, at 360 (“[I]ndividuals in each strategy group [defensive pessimism and strategic optimism] performed best in the imagery condition that was designed to facilitate their strategy, and each group performed significantly worse in the condition designed to interfere with their strategy.”); Norem & Cantor, *Defensive Pessimism: Harnessing Anxiety as Motivation*, *supra* note 8, at 1213 (mixed results regarding performance of defensive pessimists and strategic optimists); Norem & Illingworth, *Strategy-Dependent Effects*, *supra* note 44, at 826, 831 (mixed results regarding performance and self-reported perceptions of performance of defensive pessimists and strategic optimists).

Defensive pessimism may facilitate the performance of anxious individuals,<sup>61</sup> but the picture for defensive pessimists may not be entirely rosy. Defensive pessimists have been found to possess greater negative affect than optimists.<sup>62</sup> Moreover, for defensive pessimists, *positive* affect may be *negatively* related to performance.<sup>63</sup>

Defensive pessimism has been found to be positively related to anxiety<sup>64</sup> and “psychological symptoms.”<sup>65</sup> Sweeny and Andrews conducted research with law school graduates who were waiting for their bar examination results and administered a defensive pessimism measure to students shortly before they took the bar exam.<sup>66</sup> The researchers found a positive correlation between these law school graduates’ defensive pessimism scores and anxiety while waiting for the bar exam results.<sup>67</sup> In addition, other researchers found defensively pessimistic college students to have more test anxiety than optimistic college students.<sup>68</sup> These same researchers found that in students’ third year of college, defensive pessimists reported “significantly more perceived life stress,” and

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61. See Norem, *The Complexity of Evaluating Self-Regulation*, *supra* note 36, at 122–24. Norem suggests that anxious individuals who use defensive pessimism might be “better off than other anxious individuals [who do not use defensive pessimism].” *Id.* at 128.

62. Norem & Illingworth, *Mood and Performance*, *supra* note 57, at 356.

63. *Id.* at 360. Norem and Illingworth examined the performance of defensive pessimists and strategic optimists in conditions where the researchers tried to induce negative mood, positive mood, or neither (the control condition). *Id.* at 358–60. The researchers found that defensive pessimists in the positive mood induction condition performed worse than defensive pessimists in the negative mood induction condition or in the control condition. *Id.* at 360–61. Defensive pessimists in the positive mood induction condition also performed worse than strategic optimists in the positive mood induction condition. *Id.* at 361.

64. Sweeny & Andrews, *Mapping Individual Differences*, *supra* note 21, at 1020; Berry, *supra* note 58, at 70, 73. Showers and Ruben compared the anxiety reported by defensive pessimists, optimists, and “depressed subjects,” before and after “an upcoming stressful situation in their own lives.” Showers & Ruben, *supra* note 45, at 387–88. Showers and Ruben found that before the events “defensive pessimists reported high anxiety (relative to optimists).” *Id.* at 395. However, after “the events were over, defensive pessimists’ . . . feelings of anxiety dropped to the level of optimists.” *Id.* at 396.

65. Berry, *supra* note 58, at 71–73; Cantor & Norem, *Defensive Pessimism and Stress and Coping*, *supra* note 28, at 105–06.

66. Sweeny & Andrews, *Mapping Individual Differences*, *supra* note 21, at 1018.

67. *Id.* at 1020. Sweeny and Andrews conducted this research with law school graduates who took the July 2011 California bar exam. *Id.* at 1018. In subsequent research with law school graduates who took the July 2013 California bar exam, these researchers and their colleagues found a statistically significant positive correlation between defensive pessimism and distress. Sweeny et al., *Two Definitions of Waiting Well*, *supra* note 21, at 140.

68. Norem & Cantor, *Defensive Pessimism: Harnessing Anxiety as Motivation*, *supra* note 8, at 1211; see also Spencer & Norem, *Reflection and Distraction*, *supra* note 42, at 359 (finding that defensive pessimists reported more anxiety regarding athletic competition than strategic optimists).



“psychological symptoms . . . and they felt less satisfied with their lives” than optimists.<sup>69</sup>

Given the findings linking defensive pessimism and distress, there may be reasons to be concerned about the toll that defensive pessimism might take, particularly over time.<sup>70</sup> However, the data in this regard are mixed. In a longitudinal study of college students, Norem and Cantor found that students who were defensive pessimists seemed to fare worse in some respects compared to other students when students were in their third year of college but not when students were in their first or second years of college.<sup>71</sup> On the other hand, although defensive pessimists have been found to have lower self-esteem than optimists,<sup>72</sup> researchers have found that the self-esteem of anxious defensively pessimistic college students *increased* over time, while the self-esteem of

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69. Cantor & Norem, *Defensive Pessimism and Stress and Coping*, *supra* note 28, at 105–06. However, during their first and second years of college, “optimists and pessimists did not differ in reported satisfaction . . . or [perceived stress] scores.” *Id.* at 106. In addition, these researchers found that in the third year of college, the GPAs of defensively pessimistic college students were lower than the GPAs of optimistic students (although such a difference was not found in the first and second years of college). *Id.*

70. *See id.* at 107.

71. *Id.* at 105–06.

72. Norem & Cantor, *Defensive Pessimism: Harnessing Anxiety as Motivation*, *supra* note 8, at 1214; Niwako Yamawaki, Brian T. Tschanz & David L. Feick, *Defensive Pessimism, Self-Esteem Instability, and Goal Strivings*, 18 COGNITION & EMOTION 233, 242 (2004); *see also* Sweeny & Andrews, *Mapping Individual Differences*, *supra* note 21, at 1020 (finding a statistically significant negative correlation between defensive pessimism and self-esteem for the law school graduates who participated in their research project); Julie K. Norem & Jasmina Burdzovic Andreas, *Understanding Journeys: Growth-Curve Analysis as a Tool for Studying Individual Differences in Change Over Time*, in OXFORD HANDBOOK OF METHODS IN POSITIVE PSYCHOLOGY 477, 480–82 (Anthony D. Ong & Manfred H. M. Van Dulmen eds., 2007) [hereinafter Norem & Andreas, *Understanding Journeys*] (noting that, at the beginning of college, students who were classified as defensive pessimists had lower self-esteem scores than students who were classified as strategic optimists; the college students who were classified as defensive pessimists in this study were also specifically selected because they were “highly anxious” based on their scores on an anxiety assessment). Yamawaki et al., *supra*, at 238–40. *But see* María del Mar Ferradás, Carlos Freire, Antonio Valle, José Carlos Núñez, Bibiana Regueiro & Guillermo Vallejo, *The Relationship Between Self-Esteem and Self-Worth Protection Strategies in University Students*, 88 PERSONALITY & INDIVIDUAL DIFFERENCES 236, 237 (2016) [hereinafter Ferradás et al., *Self-Esteem and Self-Worth Protection Strategies*] (noting that other researchers did not find “significant differences between the self-esteem levels reported by defensive pessimistic university students and those who did not resort to this strategy” (citing Susana Rodríguez, Ramón G. Cabanach, Antonio Valle, José Carlos Núñez & Julio A. González-Pienda, *Diferencias en el Uso de Self-Handicapping y Pesimismo Defensivo y Sus Relaciones con las Metas de Logro, la Autoestima y las Estrategias de Autorregulación*, 16 PSICOTHEMA 625 (2004))).

anxious students who were not classified as defensive pessimists *decreased* over time.<sup>73</sup>

### B. Defensive Pessimism and Law Students

There is intuitive appeal to the idea of a connection between defensive pessimism and law student academic performance. Defensive pessimists reflect extensively on upcoming performances in order to prepare for those performances and prevent the pitfalls that they have anticipated from actually occurring.<sup>74</sup> Law students are immersed in cases during their first year of law school, and cases reflect situations that have gone wrong in one way or another (or in multiple ways).<sup>75</sup> In this way, whether explicitly or implicitly, law students are trained to anticipate all of the ways in which a situation could go wrong, and identify and analyze the legal claims that could result from such situations-gone-wrong.<sup>76</sup> Given that defensive pessimism involves anticipating the ways a situation could go wrong (in order to then avoid those pitfalls), defensive pessimism seems quite consistent with law students' introduction to law during their first year of law school (and after their first year of law school as well).<sup>77</sup>

Moreover, the use of defensive pessimism seems like it could benefit students who are facing the daunting, novel challenge of law school after experiencing success in their undergraduate endeavors. Defensive pessimism could enable students to identify the circumstances that might interfere with their ability to get their work done and then develop strategies to manage those challenges.<sup>78</sup>

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73. Norem & Andreas, *Understanding Journeys*, *supra* note 72, at 482. Norem and Andreas studied the participants in their research project from the start of the participants' first year of college to the end of the participants' first year after college. *Id.* at 480.

74. Norem, *Defensive Pessimism, Optimism, and Pessimism*, *supra* note 9, at 77.

75. See Molly Townes O'Brien, *Facing Down the Gladiators: Addressing Law School's Hidden Adversarial Curriculum*, 37 MONASH U.L. REV. 43, 47 (2011) ("[T]he predominant mode of teaching law—especially in introductory classes—is still case analysis. . . . The legal story that is told in appellate decisions, however, is one in which the law emerges as the result of conflict resolved by adjudication.").

76. Law students should, of course, also be trained to develop ways to avoid pitfalls and best manage pitfalls when they do occur.

77. See Anita Bernstein, *Pitfalls Ahead: A Manifesto for the Training of Lawyers*, 94 CORNELL L. REV. 479, 503–04 (2009) (noting that "pitfalls-thinking pervades American legal education" and advocating for the use of "[a] pitfalls approach to professional responsibility" in which "[a]n instructor depicts the rules and doctrines of professional responsibility in terms of immediate, concrete perils for lawyers"). *But see* Peterson & Peterson, *supra* note 12, at 400 (contending that there is a difference between the critical analysis that is expected of law students ("identifying problems with legal arguments and developing a critical approach to analyzing legal issues"), and anticipating pitfalls ("the prudence Seligman describes")). For additional discussion of "the prudence Seligman describes," *id.*; see *infra* Part I.B.

78. Cf. Peter H. Huang & Corie Rosen Felder, *The Zombie Lawyer Apocalypse*, 42 PEPP. L. REV. 727, 741 n.73 (2015) (noting that defensive pessimism could be helpful for law students and

Students who do not anticipate roadblocks to getting their work done might not be able to prevent those roadblocks or be prepared to avoid them when they arise.

In fact, researchers have previously suggested that defensive pessimism may be one reason why some law students perform better than others,<sup>79</sup> although the relationship between defensive pessimism and academic performance has not been empirically investigated with law students (until our research project).<sup>80</sup> Satterfield, Monahan, and Seligman proposed that defensive pessimism could be one explanation for their finding that law students with an optimistic explanatory style actually performed worse in law school than other students.<sup>81</sup> This result was contrary to the researchers own expectations because optimists

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giving an example of a law student who “faced with an exam might think of all the things that could go wrong, including failing the exam, and then might engage in planning or strategizing to cope with the negative event”). Additionally, Peterson and Peterson suggest a possible explanation for the worse academic performance of law students with an optimistic explanatory style found by Satterfield, Monahan, and Seligman: “Pessimistic law students are likely to be more worried about being called upon in a Socratic classroom and, therefore, may tend to prepare more for class than their more optimistic compatriots. That extra preparation, and the benefit it confers in acquiring the analytical methods being taught in class, may be what gives pessimistic law students an edge on the exam.” Peterson & Peterson, *supra* note 12, at 401. Although Peterson and Peterson were discussing explanatory style and not defensive pessimism, one might expect that their rationale could also apply to defensive pessimists.

79. Satterfield et al., *supra* note 4, at 104; Felder, *supra* note 7, at 66, 97–99.

80. Other researchers, in addition to Satterfield, Monahan, and Seligman, have investigated optimism and law students, although this research has not explored defensive pessimism. Suzanne C. Segerstrom, Shelley E. Taylor, Margaret E. Kemeny & John L. Fahey, *Optimism Is Associated with Mood, Coping, and Immune Change in Response to Stress*, 74 J. PERSONALITY & SOC. PSYCHOL. 1646, 1647 (1998) [hereinafter Segerstrom et al., *Optimism is Associated with Mood*]; cf. Suzanne C. Segerstrom, *Optimism and Resources: Effects on Each Other and on Health over 10 Years*, 41 J. RES. PERSONALITY 772, 774 (2007) [hereinafter Segerstrom, *Optimism and Resources*] (reporting on a follow-up study with former law students studied previously).

81. Satterfield et al., *supra* note 4, at 104. Satterfield, Monahan, and Seligman found that both an optimistic explanatory style and a non-pessimistic explanatory style were associated with lower academic performance. *Id.* at 98. The researchers used three different scores for explanatory style in their study; the researchers found statistically significant relationships between explanatory style and academic performance (as assessed by law school GPA) for two of the three scores that they used. *Id.* When the researchers controlled for “ability” using a score composed of each student’s LSAT score and undergraduate GPA, explanatory style did not predict law school GPA in a regression analysis. *Id.* at 99. When these researchers examined explanatory style, LSAT score, and undergraduate GPA individually in a regression analysis, an optimistic explanatory style predicted lower law school GPA, although LSAT score was the strongest predictor of law school GPA. *Id.* The researchers conducted additional analyses that also suggested that optimists and non-pessimists performed worse academically. *Id.* at 100. In addition to their findings regarding explanatory style and law school academic performance, these researchers also found statistically significant (albeit weak) relationships between LSAT score and explanatory style, suggesting that “[g]reater pessimism and non-optimism were associated with higher LSAT scores.” *Id.* at 103.

tend to perform better than pessimists in academic settings.<sup>82</sup> Moreover, one of the researchers on this study was none other than Martin Seligman, one of the founders of the positive psychology movement<sup>83</sup> and a staunch proponent of the benefits of optimism and the dangers of pessimism.<sup>84</sup>

As defined by Seligman, optimists are distinguished from pessimists based on how they perceive negative occurrences in their lives.<sup>85</sup> According to Seligman, “[t]he defining characteristic of pessimists is that they tend to believe bad events will last a long time, will undermine everything they do, and are their own fault.”<sup>86</sup> In other words, pessimists tend to employ an explanatory style in which the causes of “bad events” are perceived to be “stable, global and internal” (“pessimistic explanatory style”).<sup>87</sup> On the other hand, optimists “tend to believe defeat is just a temporary setback, that its causes are confined to this one case. . . . defeat is not their fault: Circumstances, bad luck, or other people brought it about.”<sup>88</sup> Accordingly, optimists employ an explanatory style in which the causes of “bad events” are perceived to be “external, unstable, and highly specific” (“optimistic explanatory style”).<sup>89</sup>

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82. *Id.* at 96; *see also* Peterson & Peterson, *supra* note 12, at 398 (“In all of the studies conducted by psychologists on the impact of explanatory style on academic performance, the only academic setting in which a pessimistic explanatory style has been associated with improved academic performance is law school.”). For a review of research regarding explanatory style and academic performance, *see* Berry, *supra* note 58, at 18–32.

83. Diener, *supra* note 10, at 8.

84. *See, e.g.*, MARTIN E.P. SELIGMAN, LEARNED OPTIMISM 5 (2006) [hereinafter SELIGMAN, LEARNED OPTIMISM] (discussing the downsides of pessimism and the benefits of optimism); *id.* at 53 (“Pessimistic explanatory style is a misery.”).

85. *Id.* at 4–5.

86. *Id.* at 4.

87. Seligman et al., *Why Lawyers Are Unhappy*, *supra* note 17, at 39; *see also* Satterfield et al., *supra* note 4, at 97.

88. SELIGMAN, LEARNED OPTIMISM, *supra* note 84, at 4–5.

89. Satterfield et al., *supra* note 4, at 96; *see also* SELIGMAN, AUTHENTIC HAPPINESS, *supra* note 17, at 9–10 (“Optimistic people tend to interpret their troubles as transient, controllable, and specific to one situation. Pessimistic people, in contrast, believe that their troubles last forever, undermine everything they do, and are uncontrollable.”); *id.* at 177–78 (“The pessimist views bad events as pervasive, permanent, and uncontrollable, while the optimist sees them as local, temporary, and changeable.”); Peterson & Peterson, *supra* note 12, at 396–98 (discussing optimistic and pessimistic explanatory styles). While Seligman distinguishes between optimists and pessimists based on their explanatory style, other researchers distinguish optimists from pessimists based on their more general expectations for the future (either positive expectations in the case of optimists or negative expectations in the case of pessimists). Carver et al., *supra* note 34, at 879 (“Optimists are people who expect good things to happen to them; pessimists are people who expect bad things to happen to them.”). This type of optimism is sometimes referred to as “dispositional optimism.” *See* Shultz & Zedeck, *supra* note 5, at 635. In their research with law school graduates, Shultz and Zedeck found a statistically significant negative correlation between dispositional optimism and first-year law school GPA, although the correlation was quite weak. *Id.* at 641.

In contemplating the explanation for their surprising finding that law students with an optimistic explanatory style performed worse than other law students, the researchers wondered whether defensive pessimism could be an explanation for their results, raising the possibility that “in some domains pessimism or non-optimism may be a strength.”<sup>90</sup> In considering possible reasons for their unexpected results, the researchers suggested that law students might benefit from a pessimistic explanatory style because what might be perceived as maladaptive pessimism outside the context of law school “may be better viewed as prudence, skepticism, or caution in the case of legal education.”<sup>91</sup> Apparently, this possibility resonated with Seligman; he developed this idea in a subsequent article<sup>92</sup> and book chapter.<sup>93</sup> After considering the possibility that prudence could explain their findings, the researchers then wondered whether the pessimistic law students in their study were actually “more similar to defensive pessimists.”<sup>94</sup> Although the researchers addressed prudence and defensive pessimism as two possible explanations for their results,<sup>95</sup> there is conceptual overlap between prudence and defensive pessimism. For example, in discussing prudence, the researchers noted the importance of “seeing all potential pitfalls or catastrophes . . . for the successful lawyer.”<sup>96</sup> Similarly, in his subsequent article, Seligman and other colleagues explained that “prudence” might be adaptive for lawyers who are expected “to anticipate a whole range of problems that non-lawyers do not see.”<sup>97</sup>

The finding that optimistic law students perform worse than other law students and the suggestion that defensive pessimism (or the pitfall-anticipating aspect of defensive pessimism) might explain this finding have continued to generate attention. Both the results of Satterfield, Monahan, and Seligman’s study with law students and the suggestion that pessimism might, in some respects, be adaptive for lawyers have been repeatedly referenced in discussions of both legal

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90. Satterfield et al., *supra* note 4, at 103. As Satterfield, Monahan, and Seligman state, “[p]erhaps under the more rigorous demands and specific intellectual requirements of law school, diligent students who develop a sense of healthy skepticism are the highest achievers.” *Id.*

91. *Id.*

92. Seligman et al., *Why Lawyers Are Unhappy*, *supra* note 17, at 40–41.

93. SELIGMAN, *AUTHENTIC HAPPINESS*, *supra* note 17, at 177–79.

94. Satterfield et al., *supra* note 4, at 104.

95. *Id.* at 103–04.

96. *Id.* at 103.

97. Seligman et al., *Why Lawyers Are Unhappy*, *supra* note 17, at 41; *see also* SELIGMAN, *AUTHENTIC HAPPINESS*, *supra* note 17, at 178 (“A prudent perspective enables a good lawyer to see every conceivable snare and catastrophe that might occur in any transaction. The ability to anticipate the whole range of problems and betrayals that nonlawyers are blind to is highly adaptive for the practicing lawyer who can, by so doing, help his clients defend against these far-fetched eventualities.”); Satterfield et al., *supra* note 4, at 103 (noting that “prudence” might also be adaptive for law students).

education and law practice.<sup>98</sup> Moreover, consistent with Satterfield, Monahan, and Seligman's discussion of their research findings, law professor Corie Rosen Felder has suggested that defensive pessimism might explain these findings and, thus, that defensive pessimism might be adaptive for some law students.<sup>99</sup>

There is intuitive appeal to the idea that defensive pessimism may contribute to the professional success of lawyers and the academic success of law students. Lawyers are expected to trouble-shoot and problem-solve: anticipating pitfalls and counseling their clients regarding how to avoid those pitfalls.<sup>100</sup> In fact, one scholar has even stated that "[l]awyers are professional pessimists,"<sup>101</sup> noting that the law might be one field in which pessimism is actually adaptive.<sup>102</sup> Other scholars have noted "the popular image of lawyers as naysayers"<sup>103</sup> and have identified the forces that might motivate lawyers to overstate risk when advising their clients.<sup>104</sup> Defensive pessimism seems consistent with these descriptions because defensive pessimists identify problems that might arise in the future in order to then prevent these problems from happening.<sup>105</sup>

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98. See, e.g., O'Grady, *supra* note 17, at 24 (stating that pessimistic individuals may be drawn to law school and that pessimism may lead to success in both law school and law practice); Allison D. Martin & Kevin L. Rand, *The Future's So Bright, I Gotta Wear Shades: Law School Through the Lens of Hope*, 48 DUQ. L. REV. 203, 209 (2010) (citing Satterfield, Monahan, and Seligman's article in support of the statement that "greater pessimism has been shown to predict better academic performance" for law students); Kate Mangan, *Stop Trying to Be Happy, Lawyers*, LAWYERIST.COM (May 27, 2016), <https://lawyerist.com/80636/stop-trying-happy-lawyers/> (stating that "pessimistic people may make better lawyers" and referencing both Satterfield, Monahan, and Seligman's research with law students, and Seligman's observation that lawyers are well served by being able to anticipate pitfalls).

99. Felder, *supra* note 7, at 97–98.

100. See Mangan, *supra* note 98 ("Pessimistic attorneys may be better able to spot potential problems for their clients. If you become too optimistic, there is a possibility you will not serve your clients quite as well.")

101. O'Grady, *supra* note 17, at 23.

102. *Id.* at 24.

103. Donald C. Langevoort & Robert K. Rasmussen, *Skewing the Results: The Role of Lawyers in Transmitting Legal Rules*, 5 S. CAL. INTERDISC. L.J. 375, 399 (1997).

104. *Id.* at 377–78.

105. Cf. Lande, *supra* note 17, at 512 ("Lawyers' fears can lead them to give outstanding performances because they prepare to avoid feared consequences."). On the other hand, in some respects, conventional wisdom is that "optimism and confidence . . . make . . . more effective lawyers." Nancy L. Schultz, *Lessons from Positive Psychology for Developing Advocacy Skills*, 6 J. MARSHALL L.J. 103, 137 (2012); see also Shultz & Zedeck, *supra* note 5, at 635 ("Optimism may be a valuable resource for lawyers who face great time demands, high job insecurity, considerable conflict, and poor organizational climate.") (references omitted). In their research with law school graduates, Shultz and Zedeck found statistically significant positive correlations between dispositional optimism and ten of their identified "lawyer effectiveness factors," although the correlations were weak. Shultz & Zedeck, *supra* note 5, at 644, 647, 654. In addition, researchers have found that some lawyers are overly optimistic when predicting how cases will resolve, which seems less consistent with the use of defensive pessimism as a strategy. Jane Goodman-Delahunty, Pär Anders Granhag, Maria Hartwig & Elizabeth F. Loftus, *Insightful or*

Similarly, there is intuitive appeal to the suggestion that law students would benefit from “prudence” and being able to anticipate future pitfalls. Law students largely spend their entire first year of law school reading court opinions. Court opinions are issued in cases, and cases arise from circumstances (at least allegedly) going wrong—pitfalls that were not avoided. By being immersed in cases for their first year of law school, law students are, in a sense, educated by reading about and discussing all of the ways in which relationships, situations, and actions can go wrong and cause harm.<sup>106</sup> Thus, law students are trained to imagine what could go wrong with any situation and analyze the legal consequences of those situations gone wrong (including legal claims that might be brought as a result).<sup>107</sup> In addition, law students are trained to be critical thinkers, to analyze a situation carefully. Careful analysis involves seeing both the strengths and weaknesses of a given situation (or argument<sup>108</sup> or transaction), and prudence reflects an ability to see both the negative and the positive.

Given that optimists may avoid extensive reflection about upcoming events, including thinking about what might go wrong,<sup>109</sup> optimists may be expected to perform less well academically in law school, where part of what students are expected to do is anticipate issues that may arise in the context of hypothetical situations. Law students might be rewarded (both in terms of grades and other forms of positive feedback) for their ability to reflect extensively on a hypothetical (or actual) scenario and identify the legal issues that are implicated by that scenario.<sup>110</sup> This reflection and analysis might include identifying

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*Wishful: Lawyers’ Ability to Predict Case Outcomes*, 16 PSYCHOL., PUB. POL’Y, & L. 133, 141, 146, 149 (2010).

106. Huang & Felder, *supra* note 78, at 740 (noting that law school may promote “learned pessimism by teaching law students to think about what can go wrong for their clients” and that “the issue spotting format of many (first-year) law school final examination questions rewards developing the skill of spotting as many possible legal problems as quickly as possible”).

107. SELIGMAN, AUTHENTIC HAPPINESS, *supra* note 17, at 178 (“[I]f you don’t have this prudence [i.e., the ability to anticipate pitfalls] to begin with, law school will seek to teach it to you.”).

108. Huang & Felder, *supra* note 78, at 740–41 (noting that “legal education places a premium on being able to find flaws in and be critical of others’ arguments”).

109. Norem, *Defensive Pessimism, Optimism, and Pessimism*, *supra* note 9, at 80.

110. Research has investigated factors that relate to law students’ academic performance in law school, but research has not explored the relationship between defensive pessimism and law students’ academic performance. See, e.g., Díaz et al., *supra* note 1, at 421–22; Kennon M. Sheldon & Lawrence S. Krieger, *Does Legal Education Have Undermining Effects on Law Students? Evaluating Changes in Motivation, Values, and Well-Being*, 22 BEHAV. SCI. & L. 261, 266 (2004) [hereinafter Sheldon & Krieger, *Does Legal Education Have Undermining Effects on Law Students?*]. Much of the existing research exploring law students’ academic performance tends to focus on the relationship between law students’ undergraduate GPA, LSAT score, and law school GPA. LSAT and undergraduate GPA combined have been found to be an even better predictor of first-year performance than LSAT or undergraduate GPA alone. Lisa C. Anthony, Susan P. Dalessandro & Lynda M. Reese, *LSAT Technical Report Series: Predictive Validity of the LSAT: A National Summary of the 2011 and 2012 LSAT Correlation Studies*, LSAT TECHNICAL REPORT

pitfalls that could arise in the situation, ways to prevent those pitfalls from occurring, and ways to respond to pitfalls that do occur.<sup>111</sup> This intensive reflection and anticipation of pitfalls may be more consistent with a defensively pessimistic approach than with a strategically optimistic approach, which does not involve extensive reflection about an upcoming event.

Even if defensive pessimism does not serve law students well as far as the substantive work that they are required to do in law school, defensive pessimism may serve law students well as far as leading students to be well-prepared for that work. Felder has suggested that defensively pessimistic law students might perform well in law school because “the law school environment creates anxiety” and defensive pessimism enables these students to manage their anxiety better than other students.<sup>112</sup> Felder has also suggested that defensively pessimistic law students might perform better in law school than other students because defensively pessimistic law students prepare themselves better for “the stressful exercise of taking law school exams.”<sup>113</sup> Other researchers have suggested that pessimistic law students may do better on their law school exams because they worry more about being called on in class and so prepare more

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SERIES 1, 9, 19 (2013), [http://www.lsac.org/docs/default-source/research-\(lsac-resources\)/tr-13-03.pdf](http://www.lsac.org/docs/default-source/research-(lsac-resources)/tr-13-03.pdf). However, there is variability in students’ law school academic performance that is not predicted by LSAT and undergraduate GPA, and other factors have also been explored as potentially related to law students’ academic performance. For example, researchers found that although LSAT scores correlated with students’ exam performance in a first-year law school course, undergraduate GPA, anxiety, and self-efficacy were not related to students’ performance on this exam. Díaz et al., *supra* note 1, at 423. Other researchers found that LSAT and a “‘positive motivation’ variable” both predicted law students’ first-year GPA. Sheldon & Krieger, *Does Legal Education Have Undermining Effects on Law Students?*, *supra*, at 275. Researchers explored and did not find a relationship between law students’ optimism and their first-year GPA (or other performance measures). Hoorie I. Siddique, V. Holland LaSalle-Ricci, Carol R. Glass, Diane B. Arnkoff & Rolando J. Díaz, *Worry, Optimism, and Expectations as Predictors of Anxiety and Performance in the First Year of Law School*, 30 COGNITIVE THERAPY & RES. 667, 673–74 (2006). Other researchers explored and did not find a relationship between law students’ GPA and their life satisfaction, perceived stress, or depression. Peterson & Peterson, *supra* note 12, at 411. The first author of this Article investigated the relationship between grit and law students’ GPA, and did not find a relationship between the two. Emily Zimmerman & Leah Brogan, *Grit and Legal Education*, 36 PACE L. REV. 114, 139 (2015); see Angela L. Duckworth, Christopher Peterson, Michael D. Matthews & Dennis R. Kelly, *Grit: Perseverance and Passion for Long-Term Goals*, 92 J. PERSONALITY & SOC. PSYCHOL. 1087, 1087 (2007) (defining “grit” as “perseverance and passion for long-term goals”).

111. In terms of grades, this benefit may be most likely to be manifested in grades on issue-spotting exams. On the other hand, other researchers have questioned whether law school exams actually require students to anticipate pitfalls and develop ways to avoid them, contending that law school exams focus instead on “identifying problems with legal arguments and developing a critical approach to analyzing legal issues.” Peterson & Peterson, *supra* note 12, at 400.

112. Felder, *supra* note 7, at 97–98.

113. *Id.* at 98.



diligently for class than optimistic students.<sup>114</sup> Although these researchers do not explicitly attribute this anticipatory preparation to a defensively pessimistic strategy, this heightened preparation would seem to be consistent with defensive pessimism.<sup>115</sup>

In addition to investigating defensive pessimism as it relates to law students' academic performance, investigating law students and defensive pessimism could also shed light on law students' affective experience in law school. Concerns have been raised about students' emotional well-being in law school, and scholars have suggested ways to promote law students' emotional well-being.<sup>116</sup> Research suggests that some students experience psychological distress in law school.<sup>117</sup> Research has found declines in law students' subjective well-being during the first year of law school and over the course of law school.<sup>118</sup> Other researchers have found an increase in symptoms of depression among law students from the beginning to the end of the first semester of law school, and that certain types of reflective thought predicted more symptoms of depression.<sup>119</sup> There has not been much research comparing law students to other graduate students, but researchers have found that law

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114. Peterson & Peterson, *supra* note 12, at 401. Siddique and her colleagues investigated whether there was a relationship between "worry" and performance for first-year law students. Siddique et al., *supra* note 110, at 668. These researchers did not find a direct relationship between worry and performance. *Id.* at 673. However, they did find "a small and positive relationship" between worry and performance on a final exam, and between worry and oral argument performance, "after controlling for trait anxiety." *Id.* at 674 (emphasis omitted). These researchers commented that "worry may indeed play a facilitative role in motivating academic preparation and performance," and noted that "research [should] further examine the role of facilitative worry in professional performance tasks." *Id.*

115. See, e.g., Norem, *Defensive Pessimism, Optimism, and Pessimism*, *supra* note 9, at 77–78 (noting that defensive pessimists anticipate pitfalls and take steps to avoid them).

116. See, e.g., Kennon M. Sheldon & Lawrence S. Krieger, *Understanding the Negative Effects of Legal Education on Law Students: A Longitudinal Test of Self-Determination Theory*, 33 PERSONALITY & SOC. PSYCHOL. BULL. 883, 894–95 (2007) [hereinafter Sheldon & Krieger, *Understanding the Negative Effects of Legal Education on Law Students*]; Peterson & Peterson, *supra* note 12, at 416–18; Emily Zimmerman, *An Interdisciplinary Framework for Understanding and Cultivating Law Student Enthusiasm*, 58 DEPAUL L. REV. 851, 895–915 (2009).

117. Matthew M. Dammeyer & Narina Nunez, *Anxiety and Depression Among Law Students: Current Knowledge and Future Directions*, 23 L. & HUM. BEHAV. 55, 62–63, 67 (1999); G. Andrew H. Benjamin, Alfred Kaszniak, Bruce Sales & Stephen B. Shanfield, *The Role of Legal Education in Producing Psychological Distress Among Law Students and Lawyers*, 11 AM. B. FOUND. RES. J. 225, 246–47 (1986); Stephen B. Shanfield & G. Andrew H. Benjamin, *Psychiatric Distress in Law Students*, 35 J. LEGAL EDUC. 65, 68–69, 74 (1985); see also Peterson & Peterson, *supra* note 12, at 358–59 (reviewing the literature regarding law student distress).

118. Sheldon & Krieger, *Does Legal Education Have Undermining Effects on Law Students?*, *supra* note 110, at 272, 278; Sheldon & Krieger, *Understanding the Negative Effects of Legal Education on Law Students*, *supra* note 116, at 889.

119. Greg Feldman & Adele Hayes, *Preparing for Problems: A Measure of Mental Anticipatory Processes*, 39 J. RES. PERSONALITY 487, 510 (2005). The researchers identify these types of reflective thought as "stagnant deliberation and outcome fantasy." *Id.*

students experience more distress than medical students.<sup>120</sup> Some scholars have advocated for the application of positive psychology—including learned optimism—to legal education to ameliorate some of the distress experienced by law students.<sup>121</sup>

While defensive pessimism might be a “good fit” in certain respects for law students and lawyers, being defensively pessimistic might have its downsides too. Sweeny and Andrews found a positive correlation between law school graduates’ defensive pessimism scores and their anxiety while waiting for their bar examination results.<sup>122</sup> Of course, this is not to say that defensive pessimism causes psychological distress, but rather, that defensive pessimism is associated with anxiety.<sup>123</sup> In some studies (not involving law students), defensive pessimists have been found to be less satisfied with their performance than optimists and to have lower self-esteem than optimists.<sup>124</sup> Other scholars have noted that pessimism may not serve lawyers well in all respects, particularly with respect to their satisfaction with their legal careers and, perhaps, with their quality of life more generally.<sup>125</sup>

Law students’ use of defensive pessimism might provide insight into the psychological distress experienced by some law students. It is worth considering whether law students are more likely than other individuals to be defensive pessimists, either because defensive pessimists are drawn to the study of law or because law school somehow promotes the use of defensive pessimism as a strategy. If law students are more likely to use defensive pessimism as a strategy, there might be a connection between law students’ use of defensive

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120. Shanfield & Benjamin, *supra* note 117, at 69, 74.

121. Corie Rosen, *Creating the Optimistic Classroom: What Law Schools Can Learn from Attribution Style Effects*, 42 MCGEORGE L. REV. 319, 320–21 (2011); Peterson & Peterson, *supra* note 12, at 361–64; cf. Zimmerman & Brogan, *supra* note 110, at 145–51 (discussing the positive psychology construct of “grit” in the context of legal education).

122. Sweeny & Andrews, *Mapping Individual Differences*, *supra* note 21, at 1020; see also Sweeny et al., *Two Definitions of Waiting Well*, *supra* note 21, at 140–41 (noting a positive correlation between defensive pessimism and “distress” for the law school graduates who participated in their research project).

123. Defensive pessimism is a response to anxiety, and, in a sense, anxiety also facilitates the use of the strategy because defensive pessimists’ anxiety about upcoming performances motivates them to prepare for those performances. Norem, *Defensive Pessimism, Optimism, and Pessimism*, *supra* note 9, at 77.

124. Norem & Cantor, *Defensive Pessimism: Harnessing Anxiety as Motivation*, *supra* note 8, at 1212, 1214; Yamawaki et al., *supra* note 72, at 242. *But see* Norem & Cantor, *Anticipatory and Post Hoc Cushioning Strategies*, *supra* note 39, at 358 (finding no statistically significant difference between the satisfaction with their performance of defensive pessimists and strategic optimists within each experimental condition).

125. O’Grady, *supra* note 17 at 44–46, 51–54; Seligman et al., *Why Lawyers Are Unhappy*, *supra* note 17, at 34, 41.

pessimism and their psychological distress.<sup>126</sup> Thus, it is worth investigating both the extent to which law students use defensive pessimism as a strategy and the extent to which law students report the use of defensive pessimism relative to individuals who are not law students.<sup>127</sup>

Existing research raises many questions about law students' use of defensive pessimism. In particular, this research raises questions about the extent to which law students use defensive pessimism, whether law students are more likely to use defensive pessimism than other individuals who are not law students, and whether the use of defensive pessimism is positively associated with law students' academic performance.<sup>128</sup> In addition to the question of whether law students are well-served academically by defensive pessimism generally is whether either one of the components of defensive pessimism—low expectations or reflectivity—is adaptive for law students. Some researchers have investigated these two components separately and have recommended that future research do the same.<sup>129</sup>

Especially given the literature regarding law students and psychological distress,<sup>130</sup> the question also arises whether law students' use of defensive

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126. On the other hand, one scholar has asserted that focusing on pitfalls with law students can be empowering and uplifting. See Bernstein, *supra* note 77, at 501, 517. Bernstein advocates for a “pitfalls pedagogy” to teach professional responsibility, stating that such a pedagogy will better prepare students for practice and that “[b]y talking about problems for lawyers as sources of strategy and strength, and commending vigor in response to a setback, the pedagogy combats a tendency toward anxiety and unhappiness that wafts through law schools.” *Id.*

127. Some research suggests that law students do not come to law school with “unique or excessive symptoms [of psychological distress] that set them apart from people in general,” but that during their first year of law school (and thereafter) students’ “symptom levels are elevated significantly when compared with the normal population.” Benjamin et al., *supra* note 117, at 246. This might suggest that law students are not different from the general population in other respects too, for example, their use of defensive pessimism as a strategy; however, research has not examined prospective or current law students’ use of defensive pessimism as a strategy, nor has research compared law students’ use of defensive pessimism over time (for example, both before and after starting law school or at different points during law school).

128. See Satterfield et al., *supra* note 4, at 104.

129. Andrew J. Martin, Herbert W. Marsh & Raymond L. Debus, *A Quadripolar Need Achievement Representation of Self-Handicapping and Defensive Pessimism*, 38 AM. EDUC. RES. J. 583, 601–02 (2001) [hereinafter Martin et al., *A Quadripolar Need Achievement Representation*]; Martin et al., *A Model of Self-Protection*, *supra* note 42, at 30; see also Norem, *Defensive Pessimism, Optimism, and Pessimism*, *supra* note 9, at 82, 84 (noting that in research Norem uses both “a single defensive pessimism score” and “separate pessimism and reflectivity scores for further exploration of the roles of those two processes”). The reflectivity subscale of the revised defensive pessimism questionnaire has also been used on its own to assess reflection. Feldman & Hayes, *supra* note 119, at 499.

130. See, e.g., *supra* note 117 and accompanying text. “Psychological distress” is not defined, or assessed, in only one way. Aline Drapeau, Alain Marchand & Dominic Beaulieu-Prévost, *Epidemiology of Psychological Distress*, in MENTAL ILLNESSES: UNDERSTANDING, PREDICTION AND CONTROL 105, 105, 110 (Luciano L’Abate ed., 2012). We investigated, among other things, the relationship between defensive pessimism and perceived stress (as well as

pessimism is positively associated with distress. Defensive pessimism tends to be a strategy used by people who “feel anxious,”<sup>131</sup> so one might expect that defensive pessimism would be positively correlated with neuroticism and stress. If law students are found to endorse strongly the use of defensive pessimism, this might also provide an additional explanation for the prevalence of psychological distress among law students. On the other hand, law students who are optimists might experience distress (and might perform worse than defensive pessimists) because the pedagogy of law school conflicts with their preferred strategy, which does not involve extensive reflection on future events, including potential pitfalls.

There is much that needs to be learned regarding law students’ use of defensive pessimism. As an initial matter, although scholars have raised the possibility that defensive pessimism might actually facilitate the performance of law students, the relationship between law students’ use of defensive pessimism and academic performance has not been empirically investigated. Differences have generally not been found between the academic performance of defensive pessimists and optimists in the undergraduate context,<sup>132</sup> and defensive pessimism has not been found to predict academic performance.<sup>133</sup> These findings raise even more questions about whether there is a relationship between law students’ use of defensive pessimism and their academic performance. Perhaps, like with other students, there is not a relationship between defensive pessimism and academic performance for law students. On the other hand, perhaps law students are different from other students (or perhaps more appropriately, law study is different from other disciplines) such that defensive pessimism would be related to better academic performance for law students.<sup>134</sup>

Because the relationship between defensive pessimism and academic performance for law students has not been empirically investigated, we do not know whether defensive pessimism is actually related to law student performance, or whether there is some other factor (or factors) that should be

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the relationship between defensive pessimism and neuroticism). See *infra* Part II.B.3. Although “stress” and “distress” are not the same, relationships between stress and distress have been recognized. Sheldon Cohen, Tom Kamarck & Robin Mermelstein, A Global Measure of Perceived Stress, 24 J. HEALTH & SOC. BEHAV. 385, 391–94 (1983); Drapeau et al., *supra*, at 106; Sheila H. Ridner, Psychological Distress: Concept Analysis, 45 J. ADVANCED NURSING 536, 538–40, 543. Moreover, law students might be in distress, in a less technical sense, and in need of support even if they do not satisfy a clinical definition of “psychological distress.”

131. Norem, *Defensive Pessimism, Optimism, and Pessimism*, *supra* note 9, at 77; see *supra* note 64 and accompanying text.

132. See *supra* note 58 and accompanying text.

133. Elliot & Church, *supra* note 59, at 384.

134. Berry investigated defensive pessimism with both undergraduate and graduate students but provides no further information regarding the areas of study of the graduate students. See Berry, *supra* note 58, at 44, 102. When he compared the defensive pessimism scores of the undergraduate and graduate students who participated in his research project, Berry did not find statistically significant differences between the two. *Id.* at 70.

investigated as underlying the lower performance of law students with an optimistic explanatory style found in previous research.<sup>135</sup> While defensive pessimism has been suggested as an explanation for the superior academic performance of some law students, it has also been suggested that “perhaps [law] professors should disregard the presence of [defensive] pessimists, and import the language of optimism into their classrooms.”<sup>136</sup> Before we decide what to do about defensive pessimism in law school, we need to learn more. Specifically, there is a need for empirical research regarding law students and defensive pessimism, including the relationship between defensive pessimism and academic performance, and the relationship between defensive pessimism and distress.

## II. OUR EMPIRICAL RESEARCH PROJECT

In order to address the questions raised previously by scholars about the role of defensive pessimism in the academic performance of law students<sup>137</sup> and in order to start to explore law students’ use of defensive pessimism, we undertook a research project to empirically investigate law students’ use of defensive pessimism. This research project investigated whether there were relationships between defensive pessimism and law students’ academic performance, and defensive pessimism and law students’ distress. We hypothesized that defensive pessimism would be related to both law students’ academic success and stress. We also investigated law students’ use of defensive pessimism relative to undergraduate students and individuals who were neither law students nor undergraduate students. We hypothesized that law students would be more defensively pessimistic than either undergraduate students or participants who were neither undergraduate students nor law students. We also conducted exploratory analyses, given the lack of existing empirical research regarding law students and defensive pessimism. This Part addresses the methodology and results of our research project.

### A. Methodology

Law students, undergraduate students, and community members were recruited to take an anonymous, online survey.<sup>138</sup> Law students and undergraduate students were recruited at a large mid-Atlantic university and

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135. Satterfield et al., *supra* note 4, at 100.

136. Rosen, *supra* note 121, at 333–34.

137. Satterfield et al., *supra* note 4, at 104; Felder, *supra* note 7, at 68.

138. Participants were recruited between September 2012 and January 2013. Participation in the study was restricted to individuals between the ages of 18–45 years for a reason related to the research project’s investigation of psychopathy. See Timothy J. Harpur & Robert D. Hare, *Assessment of Psychopathy as a Function of Age*, 103 J. ABNORMAL PSYCHOL. 604, 605–06 (1994).

were also recruited using Mechanical Turk (MTurk).<sup>139</sup> MTurk is “a crowdsourcing web service” hosted by Amazon through which “requesters” post tasks to be completed, for compensation, by individuals registered on the service as “workers.”<sup>140</sup> Prior research suggests that MTurk recruitment can yield representative samples, and produce valid and reliable outcomes for psychological research.<sup>141</sup> MTurk was also used to recruit community members (respondents who identified as being neither law students nor undergraduate students).<sup>142</sup> A description of the sample composition and demographics is provided in Table 1.

The online survey that each participant completed included a number of questionnaires.<sup>143</sup> Participants were asked to provide demographic information, including age, sex, and race/ethnicity. The participants were also asked questions about their academic performance or employment, as appropriate. For example, the law students were asked to report information including their law school GPA and LSAT score.

The participants were asked to complete the Revised Defensive Pessimism Questionnaire (DPQ-R).<sup>144</sup> The DPQ-R is designed to assess the extent to which individuals use defensive pessimism as a strategy.<sup>145</sup> Because the use of defensive pessimism is context (or “domain”) specific,<sup>146</sup> the DPQ-R was tailored for academic situations in this study.<sup>147</sup> The DPQ-R for academic

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139. The law students who were recruited from the large mid-Atlantic university were given the opportunity to receive a \$10 e-gift card for their participation. The undergraduate students from this university received course extra credit for their participation. The participants who were recruited via MTurk received \$1.00 to use on the Amazon website.

140. Gabriele Paolacci, Jesse Chandler & Panagiotis G. Ipeirotis, *Running Experiments on Amazon Mechanical Turk*, 5 JUDGMENT & DECISION MAKING 411, 411–12 (2010).

141. *Id.* at 411; Michael Buhrmester, Tracy Kwang & Samuel D. Gosling, *Amazon's Mechanical Turk: A New Source of Inexpensive, Yet High-Quality, Data?*, 6 PERSP. ON PSYCHOL. SCI. 3, 4–5 (2011).

142. In January 2013, law students and lawyers were recruited through MTurk. However, due to concerns with the validity of this sample, the defensive pessimism data from this sample were not analyzed. None of the data reported in this Article were obtained from this sample.

143. Surveys were designed for each participant category (law student, undergraduate student, community member). A participant would only see the survey items that pertained to his or her participant category. Each survey also included other questionnaires that are not described here. This Article focuses on the defensive pessimism component of the larger research project.

144. Norem, *Defensive Pessimism, Optimism, and Pessimism*, *supra* note 9, at 83.

145. *Id.* at 82.

146. *Id.* at 86; *see also* Norem & Cantor, *Anticipatory and Post Hoc Cushioning Strategies*, *supra* note 39, at 353–54 (“[I]t is believed that [defensive pessimism] can be used selectively (i.e., strategically) in different situations, depending on context-specific goals.”).

147. The instructions and the survey items specifically referenced “academic situations.” We are grateful for Julie Norem’s recommendation that we substitute “academic situations” for “these situations” in the survey items. E-mail from Julie Norem to Emily Zimmerman (Feb. 18, 2012, 9:10 a.m.) (on file with Emily Zimmerman); Norem, *Defensive Pessimism, Optimism, and Pessimism*, *supra* note 9, at 83.

situations is a seventeen-item measure of the extent to which respondents use the strategy of defensive pessimism in academic situations.<sup>148</sup> Of these seventeen items, one is used to exclude individuals who report that they have not been successful in the past (as discussed more fully below) and twelve are used to determine the remaining respondents' defensive pessimism scores.<sup>149</sup> The other items are either experimental or filler and were not used for the analyses reported in this Article.<sup>150</sup>

The DPQ-R is composed of two subscales: one for pessimism (or "low expectations") and one for reflectivity.<sup>151</sup> A total score for defensive pessimism can be computed, as can scores for pessimism and reflectivity separately.<sup>152</sup> Respondents rate the extent to which each statement in the questionnaire applies to them on a seven-point scale ranging from "not at all true of me" to "very true of me."<sup>153</sup> The DPQ-R also includes an item that assesses a respondent's past success in the relevant domain (in our case, academic situations).<sup>154</sup> In order to distinguish between "realistic pessimists" and "defensive pessimists," respondents who do not endorse this item are not included in the scoring of the defensive pessimism questionnaire.<sup>155</sup> Additional information about the scoring of the defensive pessimism questionnaire is included in Part II.B.

In addition to the DPQ-R, participants were asked to complete the NEO Five-Factor Inventory-3 (NEO-FFI-3), which is a 60-item measure of the five factor model of personality traits, which includes extraversion, agreeableness, conscientiousness, neuroticism, and openness to experience.<sup>156</sup> The surveys also included the Psychopathic Personality Inventory-Revised (PPI-R), which is a 154-item "self-report questionnaire of psychopathic personality traits."<sup>157</sup>

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148. Norem, *Defensive Pessimism, Optimism, and Pessimism*, *supra* note 9, at 83.

149. *Id.* at 83–84.

150. *Id.* at 83.

151. Norem & Illingworth, *Strategy-Dependent Effects*, *supra* note 44, at 825; *see also* Norem, *Defensive Pessimism, Optimism, and Pessimism*, *supra* note 9, at 82.

152. Norem, *Defensive Pessimism, Optimism, and Pessimism*, *supra* note 9, at 82, 84.

153. *Id.* at 83.

154. *See id.* Specifically, on our survey, this item stated, "I've generally done pretty well in academic situations in the past."

155. *Id.* at 84.

156. ROBERT R. MCCRAE & PAUL T. COSTA, NEO INVENTORIES FOR THE NEO PERSONALITY INVENTORY-3 (NEO-PI-3), NEO FIVE-FACTOR INVENTORY-3 (NEO-FFI-3), NEO PERSONALITY INVENTORY-REVISED (NEO PI-R): PROFESSIONAL MANUAL 15, 19–21 (2010). Respondents rate the extent to which they agree with each statement in the inventory on a five-point scale ranging from "strongly disagree" to "strongly agree." *Id.* at 17. The higher the score on a particular trait, the more of that trait the respondent endorses. *Id.* at 17, 19–21.

157. Hedwig Eisenbarth, Scott O. Lilienfeld & Tal Yarkoni, *Using a Genetic Algorithm to Abbreviate the Psychopathic Personality Inventory-Revised (PPI-R)*, 27 *PSYCHOL. ASSESSMENT* 194, 195 (2015); *see also* Jennifer L. Skeem, Devon L. L. Polaschek, Christopher J. Patrick & Scott O. Lilienfeld, *Psychopathic Personality: Bridging the Gap Between Scientific Evidence and Public Policy*, 12 *PSYCHOL. SCI. PUB. INT.* 95, 102 (2011). One of the best sources of information about

Participants were also asked to complete the Perceived Stress Scale (PSS), a ten-item measure of the degree to which respondents have experienced stress-related feelings and experiences in the past month.<sup>158</sup>

### B. Results

Scoring the DPQ-R involved a few different steps. As an initial matter, individuals' responses on the past success item of the DPQ-R were scored to identify potentially "realistic pessimists" (as opposed to defensive pessimists).<sup>159</sup> Consistent with prior research, individuals who responded four or below to this item were removed from the sample.<sup>160</sup> After doing this, seventy-nine law students, seventy-eight undergraduate students, and seventy-nine community members remained in the sample. Of these remaining participants, a total DPQ-R score could not be calculated for three law students and four community members because they did not complete all of the items that are used to calculate the DPQ-R score. As a result, seventy-six law students,

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the PPI-R is SCOTT O. LILIENFELD & MICHELLE R. WIDOWS, *PSYCHOPATHIC PERSONALITY INVENTORY-REVISED: PROFESSIONAL MANUAL* (2005). However, because access to this source is restricted to qualified users, other sources are cited in this Article. See Product Information for the PPI-R, PAR, <http://www4.parinc.com/Products/Product.aspx?ProductID=PPI-R#> (last visited Oct. 19, 2016). To complete the PPI-R, respondents rate the extent to which each statement in the inventory is true for them on a four-point scale ranging from "false" to "true." John F. Edens & Barbara E. McDermott, *Examining the Construct Validity of the Psychopathic Personality Inventory-Revised: Preferential Correlates of Fearless Dominance and Self-Centered Impulsivity*, 22 *PSYCHOL. ASSESSMENT* 32, 34 (2010). The PPI-R is composed of eight subscales ("Blame Externalization, Rebellious Nonconformity, Coldheartedness, Social Influence, Carefree Nonplanfulness, Fearlessness, Machiavellian Egocentricity, and Stress Immunity"). Eisenbarth et al., *supra*, at 195. Scores for each subscale can be computed to assess the extent to which a respondent endorses that particular subscale (with higher scores indicating stronger endorsement). L. Alana Seibert, Joshua D. Miller, Lauren R. Few, Amos Zeichner & Donald R. Lynam, *An Examination of the Structure of Self-Report Psychopathy Measures and Their Relations with General Traits and Externalizing Behaviors*, 2 *PERSONALITY DISORDERS* 193, 196 (2011). Scores on particular subscales can also be combined to create factor scores. *Id.* More information about this aspect of the research project has been presented separately. David DeMatteo, Casey LaDuke, Emily Zimmerman & Jennie Davis, *Psychopathy and Success Among Law Students*, Presentation at the American Psychological Association Annual Convention (Aug. 10, 2014).

158. Sheldon Cohen & Gail M. Williamson, *Perceived Stress in a Probability Sample of the United States*, in *THE SOCIAL PSYCHOLOGY OF HEALTH* 31, 33–34, 61, 64–65 (Shirlynn Spacapan & Stuart Oskamp eds., 1988); see also Cohen et. al., *supra* note 130, at 385, 394–95. Respondents rate the extent to which they have had particular feelings or experiences "during the last month" on a five-point scale ranging from "never" to "very often." Cohen & Williamson, *supra*, at 64–65. A higher score on the scale indicates a higher level of perceived stress. See *id.* at 34, 64–65.

159. Norem, *Defensive Pessimism, Optimism, and Pessimism*, *supra* note 9, at 84.

160. See Spencer & Norem, *Reflection and Distraction*, *supra* note 42, at 358; see also Norem, *Defensive Pessimism, Optimism, and Pessimism*, *supra* note 9, at 84. Some researchers have also selected participants who have a GPA of at least 3.0, although we did not use this additional screening mechanism in our research project. Norem & Cantor, *Anticipatory and Post Hoc Cushioning Strategies*, *supra* note 39, at 353; Yamawaki et al., *supra* note 72, at 237.



seventy-eight undergraduate students, and seventy-five community members were able to be included in the DPQ-R analyses. Table 2 presents demographic information for this sample. These participants' responses to the DPQ-R were scored, resulting in a single defensive pessimism score for each participant.<sup>161</sup>

For each participant category (law student, undergraduate student, and community member), individuals were divided into tertiles based on their total DPQ-R scores. Participants in the top tertile for each participant category were classified as "defensive pessimists," and participants in the bottom tertile were classified as "strategic optimists."<sup>162</sup>

In addition to dividing participants into tertiles based on their DPQ-R scores, participants' DPQ-R scores were analyzed as a continuous variable.<sup>163</sup> We took this additional step in order to address one of the downsides of the tertile approach, particularly when comparing defensive pessimism among different groups. Specifically, one limitation of dividing participants into tertiles is that participants are identified as defensive pessimists and strategic optimists only relative to the other participants in the sample. The tertile approach has been used in previous defensive pessimism research to identify "people who are more likely to use defensive pessimism" within a particular sample,<sup>164</sup> and we also

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161. Filler and experimental items on the DPQ-R were excluded from calculation of DPQ-R scores. See Norem, *Defensive Pessimism, Optimism, and Pessimism*, *supra* note 9, at 83. The maximum score possible on the DPQ-R is 84 (not counting the filler and experimental items, and not counting the item that assesses past success). *Id.* We calculated "Cronbach's alpha" ( $\alpha$ ) to determine the internal consistency of the items on the DPQ-R for the law student sample. See Mohsen Tavakol & Reg Dennick, *Making Sense of Cronbach's Alpha*, 2 INT'L J. MED. EDUC. 53, 53 (2011). Cronbach's alpha for the law student sample was .77, which is consistent with that reported by Norem for the DPQ-R. See Norem, *Defensive Pessimism, Optimism, and Pessimism*, *supra* note 9, at 84 (reporting Cronbach's alpha of .78); see also Tavakol & Dennick, *supra*, at 54 ("There are different reports about the acceptable values of alpha, ranging from 0.70 to 0.95.").

162. See Spencer & Norem, *Reflection and Distraction*, *supra* note 42, at 358–59 (using the tertile approach to categorize participants as defensive pessimists and strategic optimists); see also Norem, *Defensive Pessimism, Optimism, and Pessimism*, *supra* note 9, at 84 (noting that in previous defensive pessimism research, participants with scores "in the upper tertile or quartile" have been classified as "defensive pessimists," while participants "in the lower tertile or quartile" have been classified as "strategic optimists"). Participants in the middle tertile are typically classified as "aschematic." Norem, *Defensive Pessimism, Optimism, and Pessimism*, *supra* note 9, at 84. We compared the total DPQ-R scores of defensive pessimists and strategic optimists within each participant category (law student, undergraduate student, and community member), and there were statistically significant differences ( $p < .001$ ) between the total DPQ-R scores of the defensive pessimists and strategic optimists within each participant category. We also performed similar comparisons for scores on the pessimism and reflectivity subscales of the DPQ-R, and there were statistically significant differences ( $p < .001$ ) between the scores of the defensive pessimists and strategic optimists within each participant category for these subscales too (the defensive pessimists had higher scores on the subscales than the strategic optimists).

163. See JEREMY MILES & PHILIP BANYARD, UNDERSTANDING AND USING STATISTICS IN PSYCHOLOGY 13–15 (2007).

164. Norem & Cantor, *Defensive Pessimism: Harnessing Anxiety as Motivation*, *supra* note 8, at 1211 n.1.

used that approach in our research project. However, the tertile approach limits comparisons of the use of defensive pessimism (and strategic optimism) among samples and, in particular, comparisons that go beyond only the upper and lower tertiles of a particular sample.<sup>165</sup>

In addition to calculating and analyzing participants' total DPQ-R scores, each participant's score was calculated for the pessimism and reflectivity subscales of the DPQ-R.<sup>166</sup> Researchers have recommended that responses to these subscales be examined individually.<sup>167</sup> Although this Article focuses principally on analyses using participants' overall scores on the DPQ-R, analyses for the pessimism and reflectivity subscales will also be discussed. For the subscale analyses, participants were included if they had a score for that particular subscale and if they responded five or above to the past success item on the DPQ-R. This resulted in the inclusion of slightly more respondents in these analyses than in the analyses using total DPQ-R scores because a few respondents had complete responses for one subscale or the other but did not have a total DPQ-R score. The pessimism subscale analyses included the responses of seventy-eight law students, seventy-eight undergraduate students, and seventy-eight community members. The reflectivity subscale analyses

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165. Two of the main considerations influencing our decision to analyze the DPQ-R score as a continuous variable were that defensive pessimism had not previously been studied with law students and that we were investigating defensive pessimism both within and among samples. We decided that under the circumstances it would be worthwhile to conduct certain analyses treating the DPQ-R score as a continuous variable, while recognizing that prior defensive pessimism research has tended to prefer the tertile (or quartile) approach and, in some cases, has explicitly rejected treating the defensive pessimism score as a continuous variable. See Norem & Illingworth, *Strategy-Dependent Effects*, *supra* note 44, at 825; Spencer & Norem, *Reflection and Distraction*, *supra* note 42, at 359; see also Norem & Cantor, *Defensive Pessimism: Harnessing Anxiety as Motivation*, *supra* note 8, at 1211 n.1. Treating the DPQ-R score as a continuous variable is also consistent with the approach taken by Sweeny and Andrews, who assessed the defensive pessimism scores of law school graduates, although we decided to take this approach before the publication of Sweeny and Andrews's research (in other words, before we knew that Sweeny and Andrews had taken this approach). Sweeny & Andrews, *Mapping Individual Differences*, *supra* note 21, at 1020; see also Ferradás et al., *Self-Esteem and Self-Worth Protection Strategies*, *supra* note 72, at 239 (treating defensive pessimism score as a continuous variable). Sweeny and Falkenstein treated defensive pessimism as a continuous variable, while noting that they also conducted analyses using the tertile approach. Sweeny & Falkenstein, *Even Optimists Get the Blues*, *supra* note 51, at 9 n.2. Both treating the DPQ-R score as continuous and dividing the respondents into tertiles based on their DPQ-R scores is also similar to the approach taken by Satterfield, Monahan, and Seligman when they analyzed law students' responses to the Attributional Style Questionnaire (although, of course, the Attributional Style Questionnaire is a different measure than the DPQ-R). Satterfield et al., *supra* note 4, at 98–99.

166. The maximum score possible on the pessimism subscale of the DPQ-R is 28. Norem, *Defensive Pessimism, Optimism, and Pessimism*, *supra* note 9, at 83. The maximum score possible on the reflectivity subscale of the DPQ-R is 56. *Id.*

167. Martin et al., *A Model of Self-Protection*, *supra* note 42, at 30; see also Norem, *Defensive Pessimism, Optimism, and Pessimism*, *supra* note 9, at 82, 84.

included the responses of seventy-seven law students, seventy-eight undergraduate students, and seventy-six community members.

The remainder of this Section reports the results from the analyses of the participants' survey responses.

### *1. Comparing Defensive Pessimism Scores of Law Students, Undergraduate Students, and Community Members*

We compared the defensive pessimism scores of law students, undergraduate students, and community members.<sup>168</sup> Defensive pessimism scores of law students and undergraduate students were found to be significantly higher (in other words, higher to a statistically significant degree) than the defensive pessimism scores of community members.<sup>169</sup> This pattern of results was also

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168. "Defensive pessimism scores" means scores on the DPQ-R. A statistical technique called "analysis of variance" (ANOVA) was used to compare total defensive pessimism scores for law students, undergraduate students, and community members. See MILES & BANYARD, *supra* note 163, at 238–40. The relevant statistics when reporting the results of an ANOVA are the test statistic ( $F$ ), the degrees of freedom, the statistical significance ( $p$ ), and the effect size ( $\eta^2$ ). *Id.* at 243–46. A test statistic is "a statistic specifically designed to facilitate the making of inferences." RUSSELL T. HURLBURT, *COMPREHENDING BEHAVIORAL STATISTICS* 190, 558 (4th ed. 2006); see also MILES & BANYARD, *supra* note 163, at 245. The term "degrees of freedom" refers to "the number of freely varying values in a given data set." HURLBURT, *supra*, at 170. The p-value, roughly defined, represents the probability that the observed result is due to chance. See *id.* at 193. To evaluate the results of a statistical test, researchers set what is referred to as a level of significance (alpha). *Id.* The p-value is then compared to the level of significance to determine whether a result is statistically significant. *Id.* We used a significance level of .05 for our research project. Although the level of significance can vary, a p-value of .05, in general, indicates an acceptable level of statistical significance. *Id.* The effect size indicates the magnitude of an outcome. Gail M. Sullivan & Richard Feinn, *Using Effect Size—Or Why the P Value Is Not Enough*, 4 J. GRADUATE MED. EDUC. 279, 279 (2012); MILES & BANYARD, *supra* note 163, at 243–44.

169. There were 76 law students, 78 undergraduate students, and 75 community members included in this analysis. An ANOVA revealed that there was a statistically significant difference in DPQ-R scores,  $F(2, 226) = 9.77, p < .001, \eta^2 = .08$ . However, the ANOVA does not indicate where the specific differences are; in order to further explore the nature of the difference indicated by the ANOVA, post hoc analyses were conducted. See HURLBURT, *supra* note 168, at 362–65. These post hoc analyses, based on Tukey's "honest significant difference" (HSD) test, *id.* at 364, revealed that DPQ-R scores for the community sample ( $M = 45.49, SD = 12.01$ ) were significantly different from those for the undergraduate ( $M = 52.22, SD = 9.16; p < .001$ ) and law student samples ( $M = 52.12, SD = 10.88; p < .001$ ). The difference between the DPQ-R scores of the undergraduate and law student samples was not statistically significant ( $p = .99$ ). In the descriptive statistics for these results, " $M$ " represents the mean (or average) score and " $SD$ " represents the standard deviation. The standard deviation describes the extent to which respondents' scores vary from the mean. FREDERICK J. GRAVETTER & LARRY B. WALLNAU, *STATISTICS FOR THE BEHAVIORAL SCIENCES* 108 (9th ed. 2013). The smaller the standard deviation relative to the scale used, the less the respondents' scores vary from the mean. See BRYAN RAUDENBUSH, *STATISTICS FOR THE BEHAVIORAL SCIENCES: A SHORT COURSE AND STUDENT MANUAL* 47 (2004).

found for participants' scores on the reflectivity and pessimism subscales of the DPQ-R.<sup>170</sup>

Defensive pessimism scores were also compared for the participants classified as defensive pessimists in each sample.<sup>171</sup> Defensive pessimism scores for law students who were classified as defensive pessimists were found to be significantly higher than the defensive pessimism scores for community members who were classified as defensive pessimists.<sup>172</sup> This pattern of results was also found for scores on the reflectivity subscale of the DPQ-R.<sup>173</sup> However, a statistically significant difference was not found for scores on the pessimism

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170. ANOVA was used for these analyses too. These ANOVAs revealed that subscale scores differed significantly between samples for pessimism,  $F(2, 231) = 5.36, p < .01, \eta^2 = .04$ , and for reflectivity,  $F(2, 228) = 8.58, p < .001, \eta^2 = .07$ . For the pessimism subscale, post hoc analyses (Tukey's HSD) revealed that scores for the community sample ( $M = 12.21, SD = 5.74$ ) were significantly different from those for the undergraduate ( $M = 14.81, SD = 5.48; p < .05$ ) and law student samples ( $M = 14.63, SD = 5.41; p < .05$ ), but not between the undergraduate and law student samples ( $p = .98$ ). Similarly, for the reflectivity subscale, post hoc analyses revealed that scores for the community sample ( $M = 33.17, SD = 8.43$ ) were significantly different from those for the undergraduate ( $M = 37.41, SD = 6.85; p < .01$ ) and law student samples ( $M = 37.71, SD = 7.40; p < .001$ ), but not between the undergraduate and law student samples ( $p = .98$ ).

171. As previously described, the defensive pessimists in each sample were those individuals whose defensive pessimism scores were in the top tertile for their category (law student, undergraduate student, or community member) and who responded five or above to the past success item on the DPQ-R. ANOVA was used to compare the defensive pessimism scores of the defensive pessimists in each sample.

172. There were 24 law students, 24 undergraduate students, and 25 community members included in this analysis. This ANOVA revealed that DPQ-R scores differed significantly between samples,  $F(2, 70) = 6.46, p < .01, \eta^2 = .15$ . Post hoc analyses revealed that DPQ-R scores for the defensive pessimists in the community sample ( $M = 58.24, SD = 7.43$ ) were significantly different from those for the defensive pessimists in the law student sample ( $M = 64.46, SD = 6.11; p < .01$ ). The difference between the DPQ-R scores of defensive pessimists in the community sample and undergraduate sample ( $M = 62.00, SD = 4.29$ ) was not statistically significant ( $p = .09$ ). Also, the difference between the DPQ-R scores of defensive pessimists in the undergraduate and law student samples was not statistically significant ( $p = .35$ ). A test of the foundational assumption of ANOVA of equality of variances (Levene's test) revealed unequal variances for this analysis, but we proceeded with the analysis because of the robustness of the ANOVA procedure. See MILES & BANYARD, *supra* note 163, at 248 ("[W]e don't need to worry about [the] assumption [of homogeneity of variance], if we have approximately equal numbers of people in each group.").

173. The ANOVA for the reflectivity subscale revealed that reflectivity scores differed significantly between samples,  $F(2,70) = 5.94, p < .01, \eta^2 = .14$ . Post hoc analyses revealed that reflectivity scores for the defensive pessimists in the community sample ( $M = 40.04, SD = 6.27$ ) were significantly different from those for the defensive pessimists in the law student sample ( $M = 45.38, SD = 4.60, p < .01$ ). The difference between the reflectivity scores of defensive pessimists in the community sample and undergraduate sample ( $M = 43.79, SD = 5.71$ ) approached, but did not reach, statistical significance ( $p = .055$ ). The difference between the reflectivity scores of defensive pessimists in the undergraduate and law student samples was not statistically significant ( $p = .59$ ).

subscale of the DPQ-R for the law student, undergraduate student, and community member participants.<sup>174</sup>

Defensive pessimism scores were also compared for law students in their first, second, and third year of law school. No significant differences were found in defensive pessimism scores between first-, second-, and third-year law students in general,<sup>175</sup> or among the law students identified as defensive pessimists.<sup>176</sup> However, a higher proportion of second-year law students were identified as defensive pessimists (i.e., were in the top tertile of law students based on their DPQ-R scores) than first- or third-year law students.<sup>177</sup>

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174. The ANOVA for the pessimism subscale revealed that there was not a statistically significant difference between the scores of defensive pessimists in the law student ( $M = 19.08$ ,  $SD = 4.28$ ), undergraduate ( $M = 18.21$ ,  $SD = 3.96$ ), and community samples ( $M = 18.20$ ,  $SD = 3.88$ ),  $F(2,70) = 0.38$ ,  $p = .69$ ,  $\eta^2 = .01$ .

175. This ANOVA revealed no significant difference in the DPQ-R scores among first-year law students ( $M = 49.79$ ,  $SD = 8.91$ ,  $n = 24$ ), second-year law students ( $M = 54.72$ ,  $SD = 12.65$ ,  $n = 36$ ), and third-year law students ( $M = 49.75$ ,  $SD = 8.08$ ,  $n = 16$ ),  $F(2, 73) = 2.01$ ,  $p = .14$ .

176. This ANOVA revealed no significant difference in the DPQ-R scores among first-year law students ( $M = 60.80$ ,  $SD = 5.54$ ,  $n = 5$ ), second-year law students ( $M = 65.59$ ,  $SD = 6.28$ ,  $n = 17$ ), and third-year law students ( $M = 64.00$ ,  $SD = 4.24$ ,  $n = 2$ ) identified as defensive pessimists,  $F(2, 21) = 1.21$ ,  $p = .32$ ,  $\eta^2 = .10$ . However, for this analysis, the sample sizes for the first-year and third-year students were quite small. Also, statistically significant differences were not found between the scores of first-, second-, and third-year law students on the reflectivity and pessimism subscales of the DPQ-R. In addition, statistically significant differences were not found between the scores of first-, second-, and third-year law students who were classified as defensive pessimists on the reflectivity and pessimism subscales of the DPQ-R.

177. A chi-square test for goodness of fit was used to compare the proportion of first-, second-, and third-year law students in the top tertile of the law student sample. See HURLBURT, *supra* note 168, at 460. The test statistic for this chi-square analysis was  $\chi^2 = 15.75$ ,  $p < .001$ .

Given that our research project was an initial examination of law students and defensive pessimism, we conducted some exploratory analyses regarding male and female law students and defensive pessimism, although this was not the focus of our research project. An independent samples *t*-test was used to compare total scores on the DPQ-R for male and female respondents in the law student sample. See GRAVETTER & WALLNAU, *supra* note 169, at 318. An independent samples *t*-test is used to investigate whether there is a statistically significant difference between the means of two distinct groups. *Id.* A report of the results of an independent samples *t*-test typically includes the test statistic (*t*), degrees of freedom (the number in parenthesis after “*t*”), the statistical significance (*p*), and the effect size (*d*). Of the 76 law students included in this analysis, there were 46 female and 30 male law students. The *t*-test revealed that DPQ-R scores did not differ significantly between the female and male law students,  $t(74) = -1.69$ ,  $p = .09$ ,  $d = 0.39$ . However, an independent samples *t*-test did indicate that scores on the reflectivity subscale of the DPQ-R differed significantly between female ( $M = 39.61$ ,  $SD = 6.84$ ,  $n = 46$ ) and male law students ( $M = 34.90$ ,  $SD = 7.41$ ,  $n = 31$ ),  $t(75) = -2.86$ ,  $p < .01$ ,  $d = .66$ . Scores on the pessimism subscale of the DPQ-R did not differ significantly between female ( $M = 14.20$ ,  $SD = 5.47$ ,  $n = 46$ ) and male law students ( $M = 15.25$ ,  $SD = 5.35$ ,  $n = 32$ ) ( $p = .40$ ). Chi-square tests for goodness of fit were used to compare the proportion of female and male participants in the law student sample classified as defensive pessimists (i.e., top tertile based on DPQ-R scores) and strategic optimists (i.e., bottom tertile based on DPQ-R scores). There were significantly more female ( $n = 18$ ) than male law students ( $n = 6$ ) classified as defensive pessimists,  $\chi^2(1) = 6.00$ ,  $p < .05$ . There was no significant difference in the proportion of female ( $n = 14$ ) and male law students ( $n = 12$ ) classified as strategic

## 2. Relationships Between Defensive Pessimism and GPA for Law Students

For respondents in the law student sample, correlations were investigated between defensive pessimism score and law school GPA, and defensive pessimism score and undergraduate GPA. Statistically significant correlations were not found between defensive pessimism score and law school GPA,<sup>178</sup> or between defensive pessimism score and undergraduate GPA.<sup>179</sup>

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optimists ( $p = .70$ ). Previous findings regarding sex differences in the context of defensive pessimism research have been mixed. Compare Berry, *supra* note 58, at 69 (not finding significant differences based on sex); Norem & Cantor, *Defensive Pessimism: Harnessing Anxiety as Motivation*, *supra* note 8, at 1211 n.2 (same); Norem & Illingworth, *Strategy-Dependent Effects*, *supra* note 44, at 824 n.3 (noting that “[i]nitial analyses included gender as a factor, but there were no significant main effects or interactions”); with Lena Lim, *A Two-Factor Model of Defensive Pessimism and Its Relation with Achievement Motives*, 143 J. PSYCHOL. 318, 326 (2009) (finding that female participants had higher defensive pessimism scores than male participants); José Manuel Suárez Riveiro, *Optimistic and Defensive-Pessimist Students: Differences in Their Academic Motivation and Learning Strategies*, 17 SPANISH J. PSYCHOL. 1, 3–4 (2014) (same); Gregory S. Wilson, John S. Raglin & Mary E. Pritchard, *Optimism, Pessimism, and Precompetition Anxiety in College Athletes*, 32 PERSONALITY & INDIVIDUAL DIFFERENCES 893, 899 (2002) (reporting that 29% of female participants and 20% of male participants were classified as defensive pessimists); cf. Ferradás et al., *Self-Esteem and Self-Worth Protection Strategies*, *supra* note 72, at 240 (observing that “our data also suggest that the relationship between self-esteem and defensive pessimism is different for men and women”). Not all of these studies used the same defensive pessimism instrument or methodology; as previously noted, there is variation among defensive pessimism research regarding how defensive pessimism is assessed and regarding other aspects of methodology used. See *supra* note 35. Although not the focus of our research project, future research regarding defensive pessimism and law students could further explore female and male law students’ use of defensive pessimism (including the components of defensive pessimism assessed by the reflectivity and pessimism subscales of the DPQ-R).

178. When reporting the results of a correlation, it is customary to report the correlation coefficient ( $r$ ), the  $p$  value, and the number of participants included in the analysis ( $n$ ). The correlation coefficient indicates the strength “and the direction of the linear relationship between two variables.” GRAVETTER & WALLNAU, *supra* note 169, at 514. The value of  $r$  ranges from -1 to 1. HURLBURT, *supra* note 168, at 391. The closer  $r$  is to -1 or 1, the stronger the relationship between the two variables. *Id.* at 391–92. If  $r$  is positive, that means “the two variables tend to change in the same direction” — for example, as one variable increases, the other variable also increases. GRAVETTER & WALLNAU, *supra* note 169, at 512. If  $r$  is negative, that means that “the two variables tend to go in opposite directions” — for example, as one variable increases, the other variable decreases. *Id.* The correlation coefficient can also be used to calculate the coefficient of determination ( $R^2$ ). HURLBURT, *supra* note 168, at 438. The coefficient of determination indicates “the proportion of variability in one variable that can be determined from the relationship with the other variable.” GRAVETTER & WALLNAU, *supra* note 169, at 534. The coefficient of determination is calculated by squaring the correlation coefficient. *Id.* For the correlation analysis for defensive pessimism score and law school GPA,  $r = .02$ ,  $p = .91$ ,  $n = 50$ . The law students took the survey during the fall semester, and the first-year law students who took the survey would not have had a law school GPA at that point. In large part, this accounts for the lower number of law students in the correlation between DPQ-R score and law school GPA. For the correlation analysis for defensive pessimism score and undergraduate GPA,  $r = .03$ ,  $p = .82$ ,  $n = 74$ .

179. We also investigated whether there was a correlation between defensive pessimism score and LSAT score for the law students. Some law students take the LSAT more than once, so

We also investigated whether there were statistically significant correlations between law students' scores on each DPQ-R subscale (DPQ-R (reflectivity and pessimism) and law students' law school and undergraduate GPAs.<sup>180</sup> There were no statistically significant correlations between law students' scores on the DPQ-R reflectivity and pessimism subscales and either law school or undergraduate GPAs.<sup>181</sup>

In addition to investigating correlations between DPQ-R scores and law school and undergraduate GPAs, we investigated whether there were statistically significant differences between defensive pessimists and strategic optimists with respect to law school GPA and undergraduate GPA. We did not find that there were statistically significant differences between defensive pessimists and strategic optimists with respect to either law school GPA or undergraduate GPA.<sup>182</sup>

### 3. Relationships Between Defensive Pessimism, Personality, and Perceived Stress for Law Students

We investigated correlations between law students' defensive pessimism scores and the "domains of personality"<sup>183</sup> assessed by the subscales of the NEO-FFI-3.<sup>184</sup> For the law student participants, there was a statistically significant positive relationship between defensive pessimism score and neuroticism.<sup>185</sup>

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respondents were asked to report their highest LSAT score. We did not find a statistically significant correlation between defensive pessimism score and LSAT score ( $r = .07, p = .56, n = 75$ ).

180. There was a statistically significant positive relationship between law students' scores on the reflectivity and pessimism subscales ( $r = .43, p < .001, R^2 = .18, n = 76$ ).

181. We also did not find statistically significant correlations between law students' scores on the DPQ-R subscales and their LSAT scores.

182. A statistical technique called an "independent samples *t*-test" was used to compare the law school GPAs, undergraduate GPAs, and LSAT scores of defensive pessimists and strategic optimists. See GRAVETTER & WALLNAU, *supra* note 169, at 318. An independent samples *t*-test is used to investigate whether there is a statistically significant difference between the means of two groups. *Id.* A report of the results of an independent samples *t*-test typically includes the test statistic (*t*), the degrees of freedom (the number in parenthesis after "*t*"), the statistical significance (*p*), and the effect size (*d*). *Id.* at 332–33. No statistically significant differences were found between defensive pessimists and strategic optimists with respect to law school GPA,  $t(32) = .19, p = .85, d = .08$ , or undergraduate GPA,  $t(47) = -.66, p = .52, d = .18$ . We also did not find a statistically significant difference between the LSAT scores of defensive pessimists and strategic optimists,  $t(47) = -.67, p = .51, d = .19$ .

183. MCCRAE & COSTA, *supra* note 156, at 15.

184. See *supra* note 156 and accompanying text. Correlations were also investigated for the undergraduate and community participants; however, the results of the analyses for the law student participants are the focus of this discussion and are, in general, the only results reported in this section.

185. For this analysis,  $r = .47, p < .001, R^2 = .22, n = 76$ . Neuroticism is assessed on the NEO-FFI-3 with "items measuring anger, depression, self-consciousness, impulsiveness, and vulnerability to stress, as well as anxiety." MCCRAE & COSTA, *supra* note 156, at 21–22. We did

We also found statistically significant positive correlations between neuroticism and law students' scores on the pessimism subscale<sup>186</sup> and the reflectivity subscale<sup>187</sup> of the DPQ-R.<sup>188</sup>

We also investigated correlations between defensive pessimism scores and personality traits assessed by the subscales of the PPI-R.<sup>189</sup> For the law student participants, there was a statistically significant positive relationship between defensive pessimism and "blame externalization."<sup>190</sup> Blame externalization refers to "a tendency to view others as the source of one's difficulties and to offer rationalizations for one's misbehaviors."<sup>191</sup> There was a statistically significant negative relationship between defensive pessimism and "stress immunity."<sup>192</sup> Stress immunity refers to "an absence of marked reactions to anxiety-provoking events."<sup>193</sup>

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not find statistically significant relationships between law students' total DPQ-R score and the other personality traits assessed by the NEO-FFI-3. Despite the literature regarding law student distress, when we compared the neuroticism scores of all participants (not only those participants who responded five or above to the past success item on the DPQ-R and whose DPQ-R scores were calculated and analyzed), the law students ( $M = 49.65$ ,  $SD = 13.08$ ,  $n = 91$ ) had the *lowest* neuroticism scores as compared to the undergraduate ( $M = 54.69$ ,  $SD = 11.13$ ,  $n = 101$ ) and community ( $M = 51.32$ ,  $SD = 14.23$ ,  $n = 85$ ) samples. We used ANOVA to compare the neuroticism scores for the law students, undergraduate students, and community members. Levene's test for equality of variances revealed unequal variances for this analysis, but we proceeded with the analysis because of the robustness of the ANOVA procedure. Post hoc testing following the ANOVA indicated that law students' neuroticism scores were lower to a statistically significant degree than the neuroticism scores of undergraduate students ( $p < .05$ ). Of course, these results do not address changes in law students' well-being over time or negate the distress experienced by some law students. *See supra* notes 117 & 118 and accompanying text (we did not find a statistically significant difference between the neuroticism scores of law students and community members or between the neuroticism scores of undergraduates and community members).

186. For this analysis,  $r = .57$ ,  $p < .001$ ,  $R^2 = .32$ ,  $n = 78$ .

187. For this analysis,  $r = .27$ ,  $p < .05$ ,  $R^2 = .07$ ,  $n = 77$ .

188. In addition, there were statistically significant negative correlations between law students' scores on the pessimism subscale of the DPQ-R and both extraversion ( $r = -.32$ ,  $p < .01$ ,  $R^2 = .10$ ,  $n = 78$ ) and conscientiousness ( $r = -.34$ ,  $p < .01$ ,  $R^2 = .12$ ,  $n = 78$ ).

189. *See supra* note 157 and accompanying text.

190. For this analysis,  $r = .23$ ,  $p < .05$ ,  $R^2 = .05$ ,  $n = 76$ .

191. Scott O. Lilienfeld & Brian P. Andrews, *Development and Preliminary Validation of a Self-Report Measure of Psychopathic Personality Traits in Noncriminal Populations*, 66 J. PERSONALITY ASSESSMENT 488, 495-96 (1996) [hereinafter Lilienfeld & Andrews, *Development and Preliminary Validation*]. The definitions of the subscale factors in Lilienfeld and Andrews are with reference to the PPI, rather than the PPI-R; however, the revisions to the PPI do not seem to have impacted these definitions. *See Edens & McDermott, supra* note 157, at 34.

192. For this analysis,  $r = -.48$ ,  $p < .001$ ,  $R^2 = .23$ ,  $n = 76$ .

193. Lilienfeld & Andrews, *Development and Preliminary Validation, supra* note 191, at 496. A statistically significant negative relationship was found between defensive pessimism and the "Fearless Dominance" factor score ( $r = -.35$ ,  $p < .01$ ,  $R^2 = .12$ ,  $n = 76$ ). The Fearless Dominance factor score is the sum of an individual's scores on the social influence (called "social potency" on the PPI), fearlessness, and stress immunity subscales. Scott O. Lilienfeld, Stephen D. Benning,



When correlations were investigated using law students' scores on the pessimism and reflectivity subscales of the DPQ-R, statistically significant negative correlations were found between pessimism and stress immunity,<sup>194</sup> and between reflectivity and stress immunity.<sup>195</sup> A statistically significant positive relationship was found between pessimism and carefree nonplanfulness,<sup>196</sup> while a statistically significant *negative* relationship was found between reflectivity and carefree nonplanfulness.<sup>197</sup> Carefree nonplanfulness “assesses an insouciant absence of forethought.”<sup>198</sup>

We also investigated correlations between defensive pessimism and perceived stress.<sup>199</sup> For the law student participants, there was a statistically significant positive relationship between defensive pessimism and perceived stress.<sup>200</sup> We also found statistically significant positive correlations between law students' perceived stress and their scores on the pessimism subscale<sup>201</sup> and reflectivity subscale of the DPQ-R.<sup>202</sup>

### III. DISCUSSION

While scholars have speculated that defensive pessimism plays a role in the academic performance of law students,<sup>203</sup> our research project is the first effort to empirically study the relationship between law students' use of defensive pessimism and their academic performance. Contrary to these prior suggestions—and contrary to our expectations—we did not find a statistically

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Martin Sellbom, Christopher J. Patrick, Joanna Berg & John F. Edens, Commentary, *The Role of Fearless Dominance in Psychopathy: Confusions, Controversies, and Clarifications*, 3 PERSONALITY DISORDERS 327, 328 (2012) [hereinafter Lilienfeld et al., *The Role of Fearless Dominance in Psychopathy*]. It seems likely that this correlation is due to the statistically significant negative correlation between DPQ-R score and stress immunity because statistically significant correlations were not found between DPQ-R score and either social influence or fearlessness. For the law student participants, we found a statistically significant negative relationship between stress immunity and neuroticism ( $r = -.77, p < .001, R^2 = .59, n = 76$ ). We also found a statistically significant negative relationship between stress immunity and perceived stress ( $r = -.60, p < .001, R^2 = .36, n = 74$ ). There was a statistically significant positive relationship between neuroticism and perceived stress ( $r = .81, p < .001, R^2 = .66, n = 74$ ).

194. For this analysis,  $r = -.54, p < .001, R^2 = .29, n = 78$ .

195. For this analysis,  $r = -.27, p < .05, R^2 = .07, n = 77$ .

196. For this analysis,  $r = .23, p < .05, R^2 = .05, n = 78$ . Additional statistically significant correlations were found between the pessimism subscale score and some of the other characteristics assessed by the PPI-R, which are not reported here. For information about these correlations, please contact the first author.

197. For this analysis,  $r = -.23, p < .05, R^2 = .05, n = 77$ .

198. Lilienfeld & Andrews, *Development and Preliminary Validation*, *supra* note 191, at 495.

199. *See supra* note 158.

200. For this analysis,  $r = .53, p < .001, R^2 = .28, n = 74$ .

201. For this analysis,  $r = .61, p < .001, R^2 = .37, n = 76$ .

202. For this analysis,  $r = .34, p < .01, R^2 = .12, n = 75$ .

203. Satterfield et al., *supra* note 4, at 104; Felder, *supra* note 7, at 66, 97–99.

significant relationship between defensive pessimism and academic performance for the law students who participated in our study. We also did not find a statistically significant difference between the academic performance of law students who were defensive pessimists and the law students who were strategic optimists. These results are meaningful because they suggest that other factors need to be explored to explain Satterfield, Monahan, and Seligman's findings that optimists and non-pessimists performed worse in law school than other students.<sup>204</sup> Our results also suggest that the strategy of defensive pessimism is not any more adaptive for law students than strategic optimism, at least as far as their academic performance is concerned.<sup>205</sup> Thus, between defensive pessimism and strategic optimism, one strategy is not necessarily a uniformly better fit for law study than the other strategy; students who employ these different strategies can succeed equally well in law school.

We hypothesized that defensive pessimism would be related to law students' academic success because of the apparent congruence between defensive pessimism and law study, particularly the aspect of defensive pessimism that involves anticipating pitfalls.<sup>206</sup> This congruence raises the question of whether law students are more apt to be defensive pessimists than other individuals, either because defensive pessimists are drawn to study the law or because law school promotes the use of defensive pessimism. We hypothesized that law students would be more defensively pessimistic than the other participants in our study.<sup>207</sup> We did find statistically significant differences between the defensive pessimism scores of law students and community members (who were neither law students nor undergraduate students); law students had higher overall defensive pessimism scores and had higher scores on the reflectivity and pessimism subscales of the DPQ-R than community members.<sup>208</sup> On the other hand, we did not find statistically significant differences between law students' and undergraduate students' defensive pessimism scores, suggesting that law students might not be so different from other students.<sup>209</sup> In addition, the defensive pessimism scores of the law student participants were not at the very

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204. Satterfield et al., *supra* note 4, at 100. Shultz and Zedeck also found a statistically significant negative, albeit quite weak, correlation between dispositional optimism and first-year law school GPA. Shultz & Zedeck, *supra* note 5, at 641.

205. Defensive pessimism may nonetheless be adaptive for anxious students who use defensive pessimism to manage their anxiety and facilitate their performance.

206. See *supra* notes 9, 107, and accompanying text.

207. We used our participants' scores on the DPQ-R to indicate the extent to which they endorsed using defensive pessimism as a strategy. We recognize that there is some difference of approach regarding this treatment of DPQ-R scores. See *supra* note 165 and *infra* note 257.

208. See *supra* Part II.B.1. The only statistically significant difference that we did *not* find when we compared the defensive pessimism scores of law students and community members was regarding the pessimism subscale scores for defensive pessimists in each sample. See *supra* Part II.B.1.

209. See *supra* Part II.B.1.

high end of the total possible scores on the DPQ-R, suggesting that law students may not be extreme defensive pessimists to an extent that makes them so different from other individuals.<sup>210</sup>

Our findings regarding law students and defensive pessimism suggest that, rather than being anomalies, law students may be more similar than different to other individuals, particularly other students.<sup>211</sup> For example we found relationships between defensive pessimism and neuroticism, and between defensive pessimism and perceived stress. These results suggest a relationship between law students' use of defensive pessimism and psychological distress, and are largely consistent with prior work regarding defensive pessimism.<sup>212</sup>

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210. The highest possible overall defensive pessimism score is 84. The highest possible score on the reflectivity subscale is 56, and the highest possible score on the pessimism subscale is 28. The law student participants had an average total defensive pessimism score of 52.12. *See supra* note 169. The law students who were classified as defensive pessimists had an average total defensive pessimism score of 64.46. *See supra* note 172. The law student participants had an average reflectivity subscale score of 37.71 and an average pessimism subscale score of 14.63. *See supra* note 170. The law students who were classified as defensive pessimists had an average reflectivity subscale score of 45.38 and an average pessimism subscale score of 19.08. *See supra* notes 173–174.

211. *Cf.* Siddique et al., *supra* note 110, at 672 (noting that, in their research project, first-year law students' average score on a measure of dispositional optimism "parallels studies with college students"); Wendy Larcombe, Sue Finch & Rachel Sore, *Who's Distressed? Not Only Law Students: Psychological Distress Levels in University Students Across Diverse Fields of Study*, 37 SYDNEY L. REV. 243, 248, 257–58 (2015) (reporting the results of their empirical research comparing law students with students in other disciplines and noting that, although law students might experience more distress than the "general population," their "findings suggest that law students are not alone among university students in experiencing high levels of psychological distress"). On a somewhat related note, in discussing their empirical research regarding lawyer well-being, Krieger and Sheldon noted that "there is nothing in these data to suggest that attorneys differ from other people with regard to their prerequisites for feeling good and feeling satisfied with life." Lawrence S. Krieger with Kennon M. Sheldon, *What Makes Lawyers Happy?: A Data-Driven Prescription to Redefine Professional Success*, 83 GEO. WASH. L. REV. 554, 621 (2015) [hereinafter Krieger with Sheldon, *What Makes Lawyers Happy?*].

212. Our results are consistent with the definition of defensive pessimism as a strategy used to manage and harness anxiety for constructive purposes. Norem & Cantor, *Defensive Pessimism: Harnessing Anxiety as Motivation*, *supra* note 8, at 1208; Norem, *Defensive Pessimism, Optimism, and Pessimism*, *supra* note 9, at 77–78. These results are also consistent with prior research that has found positive correlations between defensive pessimism and anxiety, and defensive pessimism and distress. Sweeny & Andrews, *Mapping Individual Differences*, *supra* note 21, at 1020, 1023 (finding a correlation between defensive pessimism and anxiety for law school graduates waiting for their California bar exam results); Sweeny et al., *Two Definitions of Waiting Well*, *supra* note 21, at 132, 140–41 (noting a positive correlation between defensive pessimism and distress ("anxiety" and "rumination") for law school graduates who were waiting for their California bar exam results); *see also supra* notes 64, 68, 130 and accompanying text. In addition, our results are consistent with prior research finding that defensively pessimistic students in their third year of college perceived more overall stress than their non-defensively pessimistic peers (although the researchers did not find that defensively pessimistic students reported more overall stress than optimists when they were in their first or second years of college). Cantor & Norem, *Defensive Pessimism and Stress and Coping*, *supra* note 28, at 105–06.

The relationships between defensive pessimism, neuroticism, and stress reinforce the need for legal educators to be sensitive to the psychological distress experienced by some law students. Although defensive pessimism might be an adaptive strategy for some anxious law students, who use the strategy to manage anxiety and facilitate performance, defensive pessimism might also be an indicator of anxiety and stress.<sup>213</sup> Researchers have noted that although defensive pessimism may be an adaptive strategy in some respects, it might be less adaptive in the long-term.<sup>214</sup> Rather than focusing on the strategies that law students use in and of themselves, it might be more important for legal educators and those who counsel law students to focus on the distress that can underlie the use of particular strategies. Although the use of defensive pessimism in and of itself may not be cause for concern, it would be worth addressing the anxiety that may underlie the use of defensive pessimism as a strategy.<sup>215</sup> Legal educators and counselors should be sensitive to the possibility that students who use defensive pessimism as a strategy might be experiencing higher levels of anxiety and stress than students who do not use defensive pessimism as a strategy.<sup>216</sup>

Moreover, our research highlights that law students' academic performance cannot be used as a proxy for psychological distress. We did not find a statistically significant correlation between defensive pessimism and law school GPA. We also did not find a statistically significant difference between the law school GPAs of defensive pessimists and strategic optimists. One downside of the adaptive nature of defensive pessimism—for law students and others—is that it may impede treatment of defensive pessimists' anxiety because the anxiety does not interfere with performance. The fact that some law students use defensive pessimism as a strategy highlights that there may be law students who experience distress but who, nonetheless, may be “under the radar” of law school support services (unless these students seek out support services) because these students' academic performance does not suffer. Thus, academic performance

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213. Of course, this does not mean that defensive pessimism causes anxiety and distress. Rather, defensive pessimism may be used by individuals who are already anxious in order to manage their anxiety and prevent their anxiety from undermining their performance. Norem, *Defensive Pessimism, Optimism, and Pessimism*, *supra* note 9, at 77–78.

214. See Cantor & Norem, *Defensive Pessimism and Stress and Coping*, *supra* note 28, at 107; Elliot & Church, *supra* note 59, at 391–92.

215. Cf. Elliot & Church, *supra* note 59, at 391 (“Although failure avoidance may not produce negative results in the short-term, the vigilance, anxiety, and internal pressure that undoubtedly accompanies such avoidance regulation is likely to exact a toll eventually.” (citations omitted)).

216. Cf. Berry, *supra* note 58, at 93 (“If college staff notice low expectations, a deeper consideration of these expectations would likely be beneficial.”); *id.* at 94 (“[I]t is recommended that college staff be especially vigilant to notice any signs of mental health problems in students with pessimistic strategies or explanations, and refer for services as appropriate.”).

alone cannot be relied on to identify students who may be struggling psychologically in law school.<sup>217</sup>

Legal educators understandably focus much attention on students who are struggling academically. However, some law students may experience psychological distress but not be struggling academically. These students may not receive the attention that could help them ameliorate their distress, to the extent that legal educators focus their attention on students who are struggling academically. The fact that students may experience distress independent from their academic performance highlights the importance of law schools developing strategies to identify and assist these students that do not depend on GPA. It is relatively easy to identify students who are struggling academically based on GPA. Intervening with these students might lead to the discovery that some of these students are in distress and in need of mental health support services. It is more difficult to identify students who are in distress but whose distress is not impeding their academic performance or being manifested in other overt ways that would otherwise trigger interventions by law school faculty or administration (for example, students not attending class). High functioning students may nonetheless be in distress.

Students' use of certain strategies, like defensive pessimism, may on the one hand facilitate their performance but on the other hand make it harder to identify that these students are in distress because their academic performance may not be impeded by their distress. Defensively pessimistic law students may be particularly susceptible to going unnoticed insofar as their anxiety is not related to performance deficits. These students may continue to perform well and present an appearance of success. At the same time, the success of their coping strategies may prevent these students from being identified as students who are in distress. As a result, these students may not receive the attention that could help ameliorate, rather than succeed despite, their distress.

Another downside of the use of defensive pessimism as a strategy is that anxious individuals may not seek help for their distress because defensive pessimism allows those individuals to perform in the face of their anxiety. Defensive pessimism's success as an anxiety-management performance-facilitating strategy might discourage individuals from seeking help for anxiety because that anxiety might not be debilitating or otherwise interfere with performance. However, even if defensive pessimism can help individuals manage anxiety and perform in the face of anxiety, the reality is that these

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217. See Peterson & Peterson, *supra* note 12, at 411 (reporting the results of their empirical research study with law students and noting that they did not find a relationship between GPA and either stress, depression, or life satisfaction). Peterson and Peterson did find a statistically significant positive (and strong) correlation between stress and depression for the participants in their study. *Id.* In our study, we did not find a statistically significant correlation between law school GPA and neuroticism or between law school GPA and perceived stress. These findings also support the point that law school GPA cannot be used as a proxy for distress (or the lack thereof).

individuals are still anxious.<sup>218</sup> Law schools could promote help-seeking behaviors by students (and others) by acknowledging that students may be in distress even if their performance is not compromised and by making it clear that students' mental health is the law school's concern, even if law students are able to perform in the face of their distress.<sup>219</sup>

Even apart from the relationship between law students' use of defensive pessimism and distress, the mere fact that law students use different strategies in performance situations is valuable information for legal educators to have. This information (and appreciation of individual differences among law students<sup>220</sup>) can inform both how legal educators relate to our students and how we prepare our students to relate to one another. Legal educators should be aware that we might encourage students to engage in behavior that is either consistent or in conflict with their preferred strategy, depending on the student. Defensive pessimism is a strategy that some, but not all, individuals use. Although some scholars have suggested the value of encouraging law students to be more optimistic,<sup>221</sup> this approach might conflict with the use of defensive

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218. See Norem, *Defensive Pessimism, Optimism, and Pessimism*, *supra* note 9, at 94 (“[A]lthough defensive pessimism may be helpful, those who use it do not necessarily become less anxious or generally more positive over time.”).

219. It is especially important for law schools to proactively encourage help-seeking by law students (including help-seeking from resources outside the law school) because law students may be reluctant to seek help on their own and may be particularly reluctant to seek help from within the law school. See Jerome M. Organ, David B. Jaffe & Katherine M. Bender, *Suffering in Silence: The Survey of Law Student Well-Being and the Reluctance of Law Students to Seek Help for Substance Use and Mental Health Concerns*, 66 J. LEGAL EDUC. 116, 140, 148 (2016); Jerome M. Organ, David B. Jaffe & Katherine M. Bender, *Helping Law Students Get the Help They Need: An Analysis of Data Regarding Law Students' Reluctance to Seek Help and Policy Recommendations for a Variety of Stakeholders*, B. EXAMINER 8, 10 (Dec. 2015). Encouraging students to seek assistance for psychological distress (even if that distress does not impede students' performance) could also help students once they are in practice. While some students may be able to manage their anxiety on their own in law school, these students may have a harder time managing their anxiety once they are in practice, where the pressure and stakes may be even greater than in law school. See, e.g., Connie J.A. Beck, Bruce D. Sales & G. Andrew H. Benjamin, *Lawyer Distress: Alcohol-Related Problems and Other Psychological Concerns Among a Sample of Practicing Lawyers*, 10 J.L. & HEALTH 1, 1–3, 45 (1995–96); see also Krieger with Sheldon, *What Makes Lawyers Happy?*, *supra* note 211, at 557–58 (citing literature regarding lawyer distress); Richard Sheehy & John J. Horan, *Effects of Stress Inoculation Training for 1st-Year Law Students*, 11 INT'L J. STRESS MGMT. 41, 52 (2004) (noting that “law schools do not teach students how to handle the everyday anxiety and stress that accompany the practice of law”).

220. See Norem & Andreas, *Understanding Journeys*, *supra* note 72, at 479–80, 485 (highlighting the importance of considering individual differences and raising questions about possible individual differences relating to defensive pessimism); Spencer & Norem, *Reflection and Distraction*, *supra* note 42, at 363 (noting that “work on defensive pessimism and strategic optimism demonstrates the crucial need to consider individual differences”).

221. Siddique et al., *supra* note 110, at 675.

pessimism as a strategy.<sup>222</sup> Similarly, researchers have noted that “well-meaning efforts to ‘cheer up’ defensive pessimists may backfire” because such efforts may interfere with the use of defensive pessimism as a strategy.<sup>223</sup>

On the other hand, law professors should also be sensitive to the fact that not all students will be “natural” pitfall anticipators. Focusing on what could go wrong with a situation might be particularly difficult for students who do not use defensive pessimism as a strategy. In fact, anticipating pitfalls might even conflict with the strategy of strategic optimism used by some law students.<sup>224</sup> Strategic optimism involves avoiding excessive reflection about possible outcomes.<sup>225</sup> For students who use the strategy of strategic optimism, anticipating pitfalls might not come easily (or naturally) and might, in fact, conflict with their strategically optimistic approach. However, anticipating and avoiding pitfalls are integral to a lawyer’s representation of a client. Legal educators might need to provide more guidance for strategically optimistic students to help both these students appreciate the value of anticipating pitfalls and learn how to anticipate pitfalls. Legal educators should also encourage all students to think through ways to prevent pitfalls from occurring and ways to address pitfalls when they do occur. This does not mean that legal educators need to persuade students to become defensive pessimists; however, certain aspects of defensive pessimism may be useful for other students to use in law school (and in their legal careers).<sup>226</sup>

Although certain aspects of studying and practicing law might benefit from a defensively pessimistic approach (at least to the extent that law students and lawyers need to be able to anticipate pitfalls—and, hopefully, also develop strategies for avoiding or responding to those pitfalls in a constructive way), legal educators could also help students recognize the downsides of this aspect of legal training and law practice. As previously mentioned, defensive pessimism might facilitate performance for certain anxious individuals, but defensive pessimism does not mean that those individuals are not still anxious.<sup>227</sup> Thus, defensive pessimism is not a treatment for the anxiety that may underlie

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222. See Berry, *supra* note 58, at 93 (“College personnel interacting with students need to be aware of cognitive variables relevant to student success including: expectations, strategies, and explanations. The issue appears more complex than positive thinking is always best and should always be encouraged.”).

223. Norem & Illingworth, *Mood and Performance*, *supra* note 57, at 364; see also Norem & Cantor, *Defensive Pessimism: Harnessing Anxiety as Motivation*, *supra* note 8, at 1216; Spencer & Norem, *Reflection and Distraction*, *supra* note 42, at 362.

224. However, as our research suggests, law students who are not defensive pessimists might not perform any differently from law students who are defensive pessimists.

225. Norem, *Defensive Pessimism, Optimism, and Pessimism*, *supra* note 9, at 80.

226. Given that defensive pessimism is theorized to be “domain-specific,” even individuals who use defensive pessimism as a strategy in one context do not necessarily use it in other contexts. *Id.* at 86.

227. See *supra* note 218 and accompanying text.

its use as a strategy, even for those individuals for whom it may be adaptive in some respects.

In addition, there are other limits to focusing on pitfalls that legal educators could address with law students. First, focusing on all of the things that could go wrong with a situation may not always be adaptive to the extent that such a focus does not facilitate action, but rather impedes action. A law student or lawyer who is preoccupied with all of the things that could go wrong with a situation might be immobilized into not taking action (or encouraging a client not to take action) for fear of all of the things that could go wrong if action were taken. While inaction might sometimes be the most prudent course, there may be other times when thinking about worst case scenarios would prevent action from being taken that would not, in fact, result in the worst case scenario occurring and that would actually be beneficial.

Legal educators could help students recognize the utility of focusing on pitfalls but also the need not to get overwhelmed into inaction by recognizing pitfalls. Rather, legal educators can help students use pitfall anticipation constructively by encouraging students to not only anticipate pitfalls but also think about ways to avoid those pitfalls and analyze the likelihood of particular pitfalls occurring. Defensive pessimists use the anticipation of pitfalls to help avoid those pitfalls.<sup>228</sup> Anticipating pitfalls alone without thinking about constructive ways to avoid pitfalls or assessing the likelihood of pitfalls occurring would seem to be a particularly unconstructive approach.

On a related note, legal educators can help students (particularly first-year students) become aware of the pedagogy of the first year of law school that typically focuses heavily (if not exclusively) on the study of cases and, therefore, the study of circumstances gone wrong (at least from one party's perspective). Legal educators can make this aspect of law school pedagogy transparent and can talk with students about the possible cognitive and emotional reactions (conscious or otherwise) that law students might have to this pervasive focus on circumstances gone wrong. Legal educators could engage students in discussions (and, potentially, role plays) about ways that the underlying circumstances of cases might have played out differently so that litigation did not result and the role that lawyers can potentially play in conflict prevention, as well as conflict resolution. Legal educators could also talk with students about the limits of a lawyer's role and the likelihood of events occurring that are outside of a lawyer's control but that nonetheless impact the lawyer's work.<sup>229</sup>

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228. Norem, *Defensive Pessimism, Optimism, and Pessimism*, *supra* note 9, at 77–78.

229. This discussion also raises the question of whether revisions should be made to first-year courses and pedagogy to diminish the focus on circumstances gone wrong. Particularly in light of ongoing concerns about the mental well-being of law students, it might be worth exploring the relationship between the pedagogy used during the first year of law school (particularly the extent to which cases are used to introduce students to legal doctrine and analysis) and law student well-being.



Even (and, perhaps, especially) for students who have an affinity for anticipating pitfalls, legal educators might encourage students to consider whether this approach is beneficial in all contexts. There might be some contexts outside of law study and law practice where anticipating pitfalls or openly identifying pitfalls would be less adaptive.<sup>230</sup> Even within the context of law practice, there might be times when an openly defensively pessimistic approach might be less adaptive. For example, if a lawyer is speaking with a client who is not a defensive pessimist, that client might not respond positively to the lawyer reviewing a litany of pitfalls that could arise in a particular situation. While the lawyer may nonetheless need to review those possibilities with the client, the lawyer will need to be sensitive to how to engage in this discussion with the client so the discussion can proceed in a constructive way. Law professors can help students recognize the strategies that are used in the study and practice of law, the pros and cons of those strategies in the context of law study and law practice, and the pros and cons of generalizing those strategies beyond the context of law study and law practice.<sup>231</sup>

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230. See SELIGMAN, AUTHENTIC HAPPINESS, *supra* note 17, at 178 (noting that while the ability to anticipate pitfalls is useful for lawyers, “a trait that makes you good at your profession does not always make you a happy human being”); *id.* at 179 (“Lawyers who can see clearly how badly things might turn out for their clients can also see clearly how badly things might turn out for themselves. . . . In this manner, pessimism that is adaptive in the profession brings in its wake a very high risk of depression in personal life. The challenge, often unmet, is to remain prudent and yet contain this tendency outside the practice of law.”); Mangan, *supra* note 98 (“Hunting for the worst case scenario will help you draft a killer motion, but it may not serve you well outside the office. Learning what the pessimism feels like, when it’s warranted, and when you should leave it behind can enable you to excel as a lawyer while protecting your own well-being.”); see also Mark D. Seery, Tessa V. West, Max Weisbuch & Jim Blascovich, *The Effects of Negative Reflection for Defensive Pessimists: Dissipation or Harnessing of Threat?*, 45 PERSONALITY & INDIVIDUAL DIFFERENCES 515, 519 (2008) (raising the question of whether defensive pessimism has “long-term costs” for “mental and physical health”). Although distinguishing the “critical analysis” that law students are expected to engage in from anticipating pitfalls (described as “prudence” by Seligman), Peterson and Peterson acknowledge approaches that law students are encouraged to take in law school and law practice may not be as constructive in other aspects of law students’ (or lawyers’) lives. Peterson & Peterson, *supra* note 12, at 400. As Peterson and Peterson state, “[l]aw schools teach students to look for flaws in arguments, and they train them to be critical rather than accepting. This ability is a crucial skill for lawyers in practice, but, if applied to one’s personal life, may have significant negative consequences.” *Id.*; see also *id.* at 401 (“Personal disputes and interactions do not go well when carried out with lawyerly analytical precision. . . . The beginning of law school is the time to help budding lawyers sort out the difference between the skills that are useful in their legal career and the skills that will enhance their personal lives and improve their relationships.”). Seligman offers techniques to help lawyers combat pessimism in their personal lives. SELIGMAN, AUTHENTIC HAPPINESS, *supra* note 17, at 181.

231. Although defensive pessimism is domain-specific, it is possible that law students’ use of defensive pessimism in an academic context might extend into other facets of their lives. See Norem & Cantor, *Anticipatory and Post Hoc Cushioning Strategies*, *supra* note 39, at 361 (suggesting that defensive pessimism “might also become so habitual that it extends into all the relevant domains of an individual’s life, at which time the sheer weight of all that negativism might prove overwhelming”); cf. Peterson & Peterson, *supra* note 12, at 401 (“Students need to learn how

In addition to being cognizant of our students' use of different strategies, it would also be useful for legal educators to be aware of our own strategies and how those strategies might influence our interactions with our students.<sup>232</sup> Legal educators should be aware that our students might use strategies that are different from our own and that these differences might impact our perceptions of our students (and our students' perceptions of us).<sup>233</sup> For example, when talking with a student about a project, a professor who is a strategic optimist might perceive a student who is a defensive pessimist to be overly negative (or even defeatist) and to lack confidence because of that student's expressed low expectations for the student's performance and anticipation of things that could go wrong. However, the student might actually be using a strategy that works to manage the student's anxiety and facilitate the student's performance. In addition, to the extent that legal educators think that students' low expectations predict low performance by those students, it could be useful for educators to know that this is not necessarily the case.<sup>234</sup>

Conversely, professors who are defensive pessimists might come across as overly negative or as lacking in confidence in their students by highlighting pitfalls themselves or by encouraging students to anticipate all of the things that could go wrong in connection with a project and taking steps to avoid those pitfalls. Defensively pessimistic professors might also draw unfounded assumptions about students who do not exhibit defensively pessimistic tendencies: for example, by assuming that these students are less analytical or less prepared for upcoming events. Professors should recognize that students may use strategies in an academic context that are different from the professors' own strategies. Professors should also recognize that they may encourage

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to separate the skills they use in their professional and private lives so that the pessimism necessary for academic success does not bleed into everything else.”). Although not discussing defensive pessimism, Seligman notes the value of “flexible optimism,” observing that optimism under all circumstances is not ideal and that “[w]e must be able to use pessimism’s keen sense of reality when we need it, but without having to dwell in its dark shadows.” SELIGMAN, *LEARNED OPTIMISM*, *supra* note 84, at 292. Thus, just as unbounded optimism has its drawbacks, so too might unbounded defensive pessimism.

232. Cf. Berry, *supra* note 58, at 94 (noting that “college staff” who are defensive pessimists might “inadvertently encourage this strategy in students that it is not appropriate or effective for,” while “a staff person [who] is optimistic . . . [might] encourage this in students that are better served by pessimistic styles and strategies”).

233. See Norem, *Defensive Pessimism, Optimism, and Pessimism*, *supra* note 9, at 96 (identifying the “question [of] whether one’s own preferred strategies influence one’s reactions to others’ strategies”).

234. See, e.g., Norem & Cantor, *Cognitive Strategies*, *supra* note 39, at 193 (noting that defensive pessimists’ “low expectations do not become self-fulfilling prophecies”). *But see* Siddique et al., *supra* note 110, at 673 (finding a correlation between expected first-year law school performance and both performance on a fall semester course final exam during the first year of law school and “class rank at the end of the first year” of law school); *id.* at 675 (noting that law students’ “performance expectations predicted first-year law [school] GPA, above and beyond undergraduate GPA and LSAT scores”).

students to engage in strategies that are not consistent with the strategies that students tend to use in particular contexts.<sup>235</sup> However, rather than presuming that one strategy is superior to another, professors should recognize the value in different approaches, understand that there are individual differences in strategy use, and help students understand that in certain situations it may be useful to draw on aspects of a strategy that might not be the students' "natural" strategy.

Moreover, there is value in law professors understanding the different strategies that individuals use in approaching tasks so that we can educate our students about these different strategies. Law professors can help students understand that their peers may use different strategies and that there are advantages and challenges to working with individuals who use different strategies. There is a growing interest in preparing law students to work collaboratively with others.<sup>236</sup> Part of preparing students to work collaboratively is helping students understand that individuals can have different strategies for approaching a project and educating students about individual differences in approaches to projects. An understanding that different members of a team may use different strategies and an understanding of the types of differences that might exist regarding team members' approaches might prevent some conflicts from arising within the team, might help the team address conflict when it does arise,<sup>237</sup> and might even help a team make the most of the strengths of individual team members.

One way individuals can differ is the extent to which they use defensive pessimism as a strategy. Law professors who prepare students to work effectively in teams and who assign students to work in teams can talk with students about defensive pessimism and strategic optimism. As part of this discussion, law professors can talk with students about the advantages and challenges of teams that are composed of individuals who use different strategies.<sup>238</sup> For example, a defensively pessimistic team member might come across as being less enthusiastic about or committed to a project to the extent that the team member identifies all of the ways that the project could go wrong. This approach might be perceived as being discouraging and undermining.<sup>239</sup>

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235. See Berry, *supra* note 58, at 94.

236. See *supra* note 33.

237. Cf. Weinstein et al., *supra* note 33, at 45 ("Team conflict creates discomfort for students and teachers.").

238. Cf. *id.* at 49 (discussing the need for team members to have "[m]utual respect," which involves self-awareness as well as an understanding and appreciation of other team members).

239. See Norem, *Defensive Pessimism, Optimism, and Pessimism*, *supra* note 9, at 92 ("To the extent that their strategy is visible to others, defensive pessimists may create negative impressions or annoy the people around them."); cf. Carver et al., *supra* note 34, at 884 ("Studies have confirmed that people are more accepting of someone who expresses positive expectations for the future and more rejecting of someone who expresses negative expectations." (citation omitted)); Weinstein et al., *supra* note 33, at 49 ("Resentment can build within the team toward individual team members who are seen as not sharing the commitment."); Spencer & Norem, *Reflection and Distraction*,

On the other hand, a defensively pessimistic team member might actually contribute to the success of a project by helping the team avoid potential problems that could lead the team astray.

Conversely, a strategic optimist might be perceived as being less detail-oriented or reflective to a defensive pessimist on a team. However, a strategic optimist could help propel a project forward<sup>240</sup> and could potentially help evaluate the likelihood of identified pitfalls occurring so that the team could prioritize what potential pitfalls would be worth addressing and what potential pitfalls might not be worth addressing (or might not be worth spending too much time on). If members of a team are aware of the different strategies that individual members of the team might use, then the members of the team might be better able to work together constructively and appreciate the contributions of team members who use different strategies.<sup>241</sup> Without this awareness, the different strategies used by team members might lead to unconstructive conflict rather than constructive cooperation.<sup>242</sup>

Our research project was an initial empirical investigation of law students and defensive pessimism. The limitations of this study highlight avenues for future research regarding law students and defensive pessimism.

First, although we recruited law students both from one particular law school and via MTurk, the law students who were included in the data analyses ended up being from only the one law school where we recruited participants.<sup>243</sup> It would be useful to conduct research regarding law students and defensive pessimism with students from more than one law school.<sup>244</sup> In addition, future research could include graduate students in disciplines other than law, so that the use of defensive pessimism could be examined among law students,

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*supra* note 42, at 362 (stating that “other people may prefer to spend time with strategic optimists rather than defensive pessimists”).

240. Although defensive pessimism is used to facilitate performance, it is conceivable that an excessive focus on pitfalls could discourage completion of a task (to the extent that the task is avoidable), particularly if those pitfalls make the task seem too difficult to accomplish. Focusing on pitfalls could also delay completion of a task, although whether this is a good or bad thing may depend on the nature of the pitfalls and the urgency of the task.

241. Being aware of different strategies that individuals use to approach tasks can also help law professors work with one another more constructively (for example, on research or committee projects).

242. It would be interesting to investigate how defensive pessimists and strategic optimists work together on teams. *Cf.* Weinstein et al., *supra* note 33, at 63 (“It may . . . be worthwhile to conduct . . . personality tests within each team, to determine how individual traits affect students’ inclination toward teamwork or actual team experience.”).

243. Only one law student responded through MTurk and that law student was not included in the analyses. *See infra* Table 1.

244. Peterson & Peterson, *supra* note 12, at 415 (suggesting the value of conducting research at more than one law school); Sheldon & Krieger, *Does Legal Education Have Undermining Effects on Law Students?*, *supra* note 110, at 276 (noting the limitation of conducting research at a single law school).

undergraduates, and other graduate students. Other researchers have noted the value of conducting research both at multiple law schools and with students in other professional schools, in addition to law.<sup>245</sup>

Second, this research relied on self-report data. Although self-report data are commonly relied upon in empirical research, future research could use performance data from students' educational records.<sup>246</sup>

Third, this was not a longitudinal study; we did not assess individual law students over time. Future research could assess law students' defensive pessimism scores over time to see whether there are changes in students' use of defensive pessimism. Studying law students at one particular point in time is valuable, but it does not enable the examination of the same students over time.<sup>247</sup> A longitudinal study could shed light on whether the law school curriculum promotes students' use of defensive pessimism.<sup>248</sup> Longitudinal research could investigate whether there are any patterns regarding law students'

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245. Sheldon & Krieger, *Does Legal Education Have Undermining Effects on Law Students?*, *supra* note 110, at 282–83.

246. See Christopher A. Wolters & Maryam Hussain, *Investigating Grit and Its Relations with College Students' Self-Regulated Learning and Academic Achievement*, 10 METACOGNITION LEARNING 293, 299, 301 (2015) (“Although not ideal, self-reported grade point average is a widely used measure of academic performance and has shown a high correlation with actual grade point average.” (citations omitted)).

247. Peterson & Peterson, *supra* note 12, at 415 (suggesting the value of conducting research with law students “over the course of their three years” in law school).

248. For example, the first year of law school might promote the use of defensive pessimism because the curriculum is primarily based on the study of legal opinions that have been issued in the context of lawsuits. Lawsuits arise out of dissatisfaction (or, in other words, at least one party's perception that something has gone wrong and that someone else should be held accountable for it)—if all parties were satisfied, there would presumably be no need to file a lawsuit and resolve a dispute in court. First-year students may also read opinions that are issued in criminal cases. Criminal cases arise out of allegations of criminal conduct and represent something having gone wrong either for the alleged victims of crime or defendants (or both). By focusing so pervasively on issues arising in court cases, the first-year curriculum may promote law students' focusing on what could go wrong—in the law, and, perhaps, in other domains of their lives as well. In this way, law students might be implicitly encouraged to adopt at least one aspect of a defensively pessimistic strategy: anticipating pitfalls. On a related note, future research could assess law students' use of defensive pessimism in non-academic situations (for example, in social situations) to see whether there are relationships between law students' use of defensive pessimism in different contexts and whether law students' use of defensive pessimism in different contexts changes over the time that they are in law school. Norem, *Defensive Pessimism, Optimism, and Pessimism*, *supra* note 9, at 86 (reviewing the different contexts in which defensive pessimism has been studied and noting “the small-to-moderate correlation between the social and academic versions of the [defensive pessimism] scale”). Another question for future research is whether law school promotes the use of a pessimistic explanatory style and, if so, whether this relationship can explain at least some of the psychological distress experienced by some law students. See Peterson & Peterson, *supra* note 12, at 400 n.258 (“One truly disconcerting possibility . . . is that law professors may teach students to adopt a pessimistic explanatory style.”); *id.* at 399 n.256 (discussing the Satterfield, Monahan, and Seligman study with law students and noting that these researchers raised the question of but did not investigate the relationship between law students' explanatory style and depression).

endorsement of defensive pessimism while they are in law school. For example, do law students endorse defensive pessimism more strongly over the course of the first year of law school?<sup>249</sup> Do law students endorse defensive pessimism less strongly during the second or third years of law school than during the first year of law school? Although we did not find statistically significant differences among the defensive pessimism scores of first-, second-, and third-year law students,<sup>250</sup> it would be useful to investigate individual law students' defensive pessimism scores over time.

An additional limitation of our research project pertains to the comparative nature of the study (in other words, the aspect of the study where we compared law students, undergraduate students, and community members). Although the inclusion of both students and community members adds value to the study,<sup>251</sup> comparing the use of defensive pessimism as a strategy in academic situations among law students, undergraduates, and community members presented the challenge of assessing this "domain-specific"<sup>252</sup> strategy with participants for whom academic situations were likely to be more or less salient. The law students and undergraduates who participated in the research project were students, while the community members, by definition, were neither law students nor undergraduate students. To the extent that community member participants were not students,<sup>253</sup> academic situations were likely less salient to them than to law students and undergraduates.<sup>254</sup> However, because we wanted to compare the use of defensive pessimism as a strategy among law students, undergraduates, and community members, and because defensive pessimism is a domain-specific strategy, we wanted to identify the same domain for all respondents. As a result, all respondents were asked to respond to the defensive pessimism questionnaire for academic situations.<sup>255</sup> Future research comparing

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249. See *supra* note 248.

250. See *supra* notes 175–177 and accompanying text.

251. Cf. Sweeny & Falkenstein, *Even Optimists Get the Blues*, *supra* note 51, at 8 (noting as a limitation of the research that "no study included an adult sample outside of an academic context").

252. Norem, *Defensive Pessimism, Optimism, and Pessimism*, *supra* note 9, at 86.

253. The community member participants were participants who did not identify themselves as undergraduate students or law students. The community member participants were asked to indicate "the highest level of education you have completed" and were asked questions about employment, but the community member participants were not asked to identify whether they were students of a type other than law students or undergraduate students. The community members were asked to indicate their "highest level of education . . . completed" by selecting from a number of possible responses. One of the response options provided was "Professional Degree (JD, MD)." Of the 75 community members who were included in the DPQ-R analyses, only 2 selected this option. (Three of these 75 community member participants chose "Doctoral Degree" in response to this question.)

254. Cf. Berry, *supra* note 58, at 91 (noting that focusing research on "college students [in] academic situations limits any ability to generalize to other populations or other situations").

255. The same defensive pessimism questionnaire was used for all participants, regardless of whether they were law students, undergraduate students, or community members. The instructions

the use of defensive pessimism by community members and law students could investigate the use of defensive pessimism in a context that might be more salient for both community members and law students (for example, in work-related situations).<sup>256</sup>

#### IV. CONCLUSION

This research project is the first step towards a greater understanding of defensive pessimism in the context of legal education.<sup>257</sup> Although there was some basis to expect that law students who were defensive pessimists would perform better than law students who were strategic optimists, we did not find a statistically significant difference between the law school GPAs of these two groups of law students.<sup>258</sup> On the bright side, this means that although defensive pessimists did not perform better than strategic optimists, defensive pessimists

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for the community members, however, were worded to reflect the fact that they might be reflecting on their past—rather than current—experience in academic situations.

256. In addition, as discussed previously, future research could investigate defensive pessimism in academic situations for students in additional disciplines (for example, for students in different professional schools).

257. This research project also contributes to the literature regarding defensive pessimism generally. In particular, this research project provides a comparative perspective on the use of defensive pessimism by law students, undergraduate students, and community members. From a methodological perspective, this research highlights the value of both using the tertile approach to identify defensive pessimists and strategic optimists within samples, and analyzing DPQ-R scores as a continuous variable. Although most defensive pessimism research uses the tertile approach to identify defensive pessimists and strategic optimists, the downside of this approach is that it identifies defensive pessimists and strategic optimists only with respect to the other members of a sample. See Norem, *Defensive Pessimism, Optimism, and Pessimism*, *supra* note 9, at 84 (describing how the DPQ-R is used “[f]or prescreening purposes” to identify research participants who are defensive pessimists or strategic optimists). The downsides of the tertile approach are typically not mentioned, but one group of researchers did observe that this approach prevents knowing how many people actually use a particular strategy. Sanna Eronen, Jari-Erik Nurmi & Katariina Salmela-Aro, *Optimistic, Defensive-Pessimistic, Impulsive and Self-Handicapping Strategies in University Environments*, 8 *LEARNING & INSTRUCTION* 159, 161 (1998). But see Norem & Cantor, *Defensive Pessimism: Harnessing Anxiety as Motivation*, *supra* note 8, at 1211 n.1 (discussing an earlier version of the defensive pessimism scale and noting that “this questionnaire is not intended to measure a trait that some people have more of than others”). In fact, we had initially hypothesized that there would be a higher percentage of defensive pessimists in the law student sample than in the undergraduate or community samples; however, given the methodology for analyzing scores on the defensive pessimism questionnaire, we were not able to make such a comparison. One benefit of treating the defensive pessimism score as a continuous variable, in addition to using the tertile approach, is that it enables fuller comparisons among samples. For example, we were able to compare the DPQ-R scores of law students, undergraduate students, and community members, in addition to comparing the DPQ-R scores of only the defensive pessimists in these samples. See *supra* Part II.B.1.

258. See *supra* Part II.B.2. Our finding is consistent with prior research regarding the performance of defensive pessimists and strategic optimists outside the context of legal education. See *supra* note 58 and accompanying text. In addition, we did not find a correlation between defensive pessimism and law school GPA. See *supra* Part II.B.2.

also did not perform worse than strategic optimists. This finding suggests that law students can use different strategies and still perform similarly; academic success in law school does not require the use of one strategy over another, at least as far as defensive pessimism and strategic optimism are concerned. On the less positive side, there were correlations between defensive pessimism and measures of distress, suggesting that there is reason to be sensitive to law students' use of defensive pessimism as a strategy.<sup>259</sup> Legal educators should be mindful of the fact that academic performance will not necessarily be a proxy for distress. Defensive pessimism might facilitate performance in the face of anxiety, but the anxiety may still remain.

The data from this research project suggest that there are law students who do endorse defensive pessimism as a strategy and that there is variation among law students regarding the extent to which they use defensive pessimism as a strategy. In order to better understand the nuances of law students' use of defensive pessimism, it would be useful to explore whether there are qualitative differences in the law school experiences of defensively pessimistic and strategically optimistic law students (and law students who do not fall into either of these categories). Research could compare these students' perceptions of law school and experiences in law school.<sup>260</sup> Similarly, qualitative research could also explore the law practice experiences of defensively pessimistic and strategically optimistic lawyers (and lawyers who do not fall into either of these categories).<sup>261</sup>

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259. Defensive pessimism was positively related to neuroticism and perceived stress for law students, and defensive pessimism was negatively related to stress immunity. *See supra* Part II.B.3.

260. *Cf.* Cantor et al., *Life Tasks*, *supra* note 39, at 1180–81. Future research could also explore law students' use of defensive pessimism and their approaches to learning. *Cf.* Ferradás et al., *Motivational Profiles in University Students*, *supra* note 50, at 129–132 (exploring the relationship between achievement goal “motivational profiles” and defensive pessimism for students at a university in Spain). Yamawaki, Tschanz, and Feick found that the defensively pessimistic students in their study endorsed performance avoidance goals (wanting to avoid perceptions that they were not competent) more strongly than the strategically optimistic students. Yamawaki et al., *supra* note 72, at 236, 240. These researchers also found that the defensively pessimistic students endorsed mastery goals (wanting to learn) less strongly than the strategically optimistic students. *Id.* Yamawaki, Tschanz, and Feick suggested that future research could investigate whether there are “links between defensive pessimism, goal strivings, and intrinsic motivation,” raising the question of whether “defensive pessimism, as a motivational strategy, paradoxically tends to kill motivation in the long run.” *Id.* at 247. A related question for future research could be whether law students who use defensive pessimism as a strategy possess less intrinsic motivation for law study in the first place.

261. In our research project, we investigated whether there was a relationship between defensive pessimism and law school GPA. We did not investigate defensive pessimism in the context of law practice. To the extent that law school GPA is not a perfect reflection of law practice ability, it would be particularly important to investigate defensive pessimism in the context of law practice as well as law school to see whether there are relationships between defensive pessimism and law practice ability, or between defensive pessimism and satisfaction with law practice.



Defensive pessimists might be seen as focusing on the negative, but they use this strategy in a positive way, in order to facilitate performance. As a positive motivational strategy, defensive pessimism is actually hopeful, not defeatist.<sup>262</sup> Researchers have investigated hope (along with optimism) in the context of legal education.<sup>263</sup> It would be useful to investigate defensive pessimism, hope, and optimism together in research studies with law students and lawyers.<sup>264</sup> Especially in light of ongoing concerns about individuals' well-being and satisfaction both in and after law school, additional information about law students' and lawyers' use of defensive pessimism would be particularly valuable.<sup>265</sup> Hopefully, we will progress to a point where we can truly look on the bright side of defensive pessimism: appreciating the positive, performance facilitating aspects of defensive pessimism while identifying ways to ameliorate the distress that may currently be felt by those individuals who use the strategy.

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262. Norem has suggested that defensive pessimists possess hope. JULIE K. NOREM, THE POSITIVE POWER OF NEGATIVE THINKING 111–12 (2001).

263. Kevin L. Rand, Allison D. Martin & Amanda M. Shea, *Hope, but Not Optimism, Predicts Academic Performance of Law Students Beyond Previous Academic Achievement*, 45 J. RES. PERSONALITY 683, 684 (2011); Martin & Rand, *supra* note 98, at 204–05.

264. Cf. Yujia Lei & Changming Duan, *Relationships Among Chinese College Students' Defensive Pessimism, Cultural Values, and Psychological Health*, 29 COUNSELLING PSYCHOL. Q. 335, 344–45, 348 (2016) (exploring relationships between reflectivity and pessimism as assessed by the subscales of the DPQ-R and hope for undergraduate students in China). Sweeny and Andrews analyzed the relationship between defensive pessimism and a variable that they labeled “hope.” Sweeny & Andrews, *Mapping Individual Differences*, *supra* note 21, at 1020. However, “hope” as assessed by Sweeny and Andrews (with a single survey item) is quite different from the construct of hope investigated by Rand, Martin, and Shea, and that could be investigated along with defensive pessimism in future research. Compare *id.* at 1019 with Rand et al., *supra* note 263, at 683–84.

265. See, e.g., Nat'l Task Force on Law. Well-Being, *The Path to Lawyer Well-Being* 7–11, 31–40 (August 2017), <https://www.americanbar.org/content/dam/aba/images/abanews/ThePathToLawyerWellBeingReportRevFINAL.pdf>.

TABLE 1. SAMPLE COMPOSITION AND DEMOGRAPHICS

Demographic	Sample		
	Law students	Undergraduate students	Community members
Participants (initial)	113	137	93
<i>University recruitment</i> <sup>a</sup>	112	120	0
<i>MTurk recruitment</i>	1	17	93
Excluded: Non-completion	21	34	6
Excluded: Time-limit <sup>b</sup>	1	2	2
Participants (final)	91 <sup>c</sup>	101	85
<i>University recruitment</i>	91	86	0
<i>MTurk recruitment</i>	0	15	85
Female (%)	52 (57%)	69 (68%)	44 (52%)
Mean age (SD) <sup>d</sup>	24.20 (2.06)	21.05 (3.42)	38.07 (9.59)
Race/ethnicity (%) <sup>e</sup>			
<i>African American</i>	6 (7%)	4 (4%)	8 (9%)
<i>Asian</i>	3 (3%)	15 (15%)	2 (2%)
<i>Hispanic</i>	4 (4%)	6 (6%)	4 (5%)
<i>Native American</i>	0 (0%)	2 (2%)	2 (2%)
<i>Pacific Islander</i>	1 (1%)	0 (0%)	0 (0%)
<i>White/Caucasian</i>	78 (86%)	80 (79%)	69 (81%)
<i>Other</i>	2 (2%)	3 (3%)	0 (0%)

<sup>a</sup> Sample was recruited from a large mid-Atlantic university.

<sup>b</sup> Participants who completed the survey in less than ten minutes were excluded as this was deemed an insufficient time for genuine completion of the survey.

<sup>c</sup> Of these 91 law students, 31% were first-year law students, 45% were second-year law students, and 24% were third-year law students.

<sup>d</sup> The demographic data for age are based on  $n = 71$  law students,  $n = 100$  undergraduate students, and  $n = 82$  community members.

<sup>e</sup> Participants could choose more than one race/ethnicity.

TABLE 2. SAMPLE DEMOGRAPHICS FOR PARTICIPANTS INCLUDED IN DPQ-R ANALYSES

Demographic	Sample		
	Law students ( <i>n</i> = 76)	Undergraduate students ( <i>n</i> = 78)	Community members ( <i>n</i> = 75)
Female (%)	46 (61%)	57 (73%)	40 (53%)
Mean age (SD) <sup>a</sup>	24.19 (2.10)	21.21 (3.58)	37.62 (9.33)
Race/ethnicity (%) <sup>b</sup>			
<i>African American</i>	4 (5%)	3 (4%)	7 (9%)
<i>Asian</i>	3 (4%)	15 (15%)	2 (3%)
<i>Hispanic</i>	4 (4%)	2 (3%)	4 (5%)
<i>Native American</i>	0 (0%)	1 (1%)	2 (3%)
<i>Pacific Islander</i>	1 (1%)	0 (0%)	0 (0%)
<i>White/Caucasian</i>	66 (87%)	63 (81%)	60 (80%)
<i>Other</i>	1 (1%)	2 (3%)	0 (0%)

<sup>a</sup> The demographic data for age are based on *n* = 62 law students, *n* = 77 undergraduate students, and *n* = 72 community members.

<sup>b</sup> Participants could choose more than one race/ethnicity.

