



Lee Burgess: Welcome back to the Law School Toolbox podcast. Today, we're talking about thinking on your feet.

Your Law School Toolbox hosts are Alison Monahan and Lee Burgess, that's me. We're here to demystify the law school and early legal career experience, so that you'll be the best law student and lawyer you can be.

Together we're the co-creators of the [Law School Toolbox](#), the [Bar Exam Toolbox](#), and the career-related website, [CareerDicta](#). Alison also runs [The Girl's Guide to Law School](#). If you enjoy the show, please leave a review or rating on your favorite listening app and if you have any questions, don't hesitate to reach out to us. You can always reach us via the [contact form](#) on LawSchoolToolbox.com, and we would love to hear from you. With that, let's get started.

Alison Monahan: Welcome back to the Law School Toolbox podcast. Today we're talking about how to get more comfortable speaking on your feet, whether that's in class, in a work meeting, or even in court. And we would like to think a reader for this question. Write to us, your question might be answered. She wrote in with a fairly common issue.

Alison Monahan: "One of my main weaknesses in law school classes is thinking on my feet when I'm called on. I know the law, I'm prepared for class, I understand the cases, but when I'm called on, I freeze."

Lee Burgess: Oof, yeah.

Alison Monahan: This happens to a lot of people. In class, in other high-pressure situations such as work meetings or court, sometimes on tests, but that's a separate topic. But we do have some suggestions.

Lee Burgess: Mm-hmm.

Alison Monahan: So Lee, what's our first suggestion?

Lee Burgess: I think the first suggestion you want to keep in mind is that you have to try and physically relax. So, we've learned a lot about anxiety. I feel like I've learned a lot about anxiety doing the work that we do.

Alison Monahan: Right. True.

Lee Burgess: And this whole fight or flight, and you have these physiological responses to anxiety. It's easier said than done to try and physically relax, but anxiety can make your body seize up, which compounds the mental shutdown.



- Alison Monahan: Right, because this is basically, it's a bodily and a mental thing going on, and they're kind of reinforcing each other.
- Lee Burgess: Right. Your body thinks there is a tiger coming.
- Alison Monahan: Right. And it says shut the brain down and run.
- Lee Burgess: Right, exactly.
- Alison Monahan: And then it makes it very hard to respond coherently to the questions that your scary tiger professor is asking you.
- Lee Burgess: Right.
- Alison Monahan: Yeah, one person that we know who does work with bar students kind of reckons it to a snow globe. This is specifically the text anxiety, although I did read an article in the New York Times yesterday about the same glitter jar concept for adolescent girls managing their emotions. Same concept. So basically, you get shaken up, and you have to sort of let the glitter settle, or let the snow settle, before you can start thinking clearly again.
- Lee Burgess: That's true.
- Alison Monahan: So unfortunately, when you get called on in class, you don't really have a lot of time like you might even on an exam, where you could take two or three minutes. I mean you can't just stand there for three minutes taking deep breaths and counting to 10, but I think you can at least use this technique and take a deep breath or two before you start your answers. If your professor turns to you suddenly and says, "Ms. Burgess," and you start to panic-
- Lee Burgess: Or sometimes it can take a minute for you to recognize that's your name. I do remember that from being in law school with my fingers over the laptop keys, and then you hear your name and you're like, "Oh, he's calling on someone. Wait, that's me."
- Alison Monahan: That's me.
- Lee Burgess: Oops.
- Alison Monahan: Oopsie, yeah, so I think as soon as you recognize that this is your name, you can at least take a deep breath, prepare for the rest of the question. Even if you're in court or something, you can do this before you stand up to deliver your argument. You might do it with three breaths or five breaths or the box breathing that [we've talked about before](#), but anything you can do to kind of slow down your breathing can really help in a stressful situation, and this is



something that ideally you will have practiced beforehand. Because it's much easier to go to that ... The Buddhists talk about this, doing your warrior training. It's much easier when you're in the stressful situation and you're in the middle of the fire. It's much easier to go back to that training if it's sort of habitual. So if this is something that you struggle with, I think having some sort of ... We talk about it a lot, mindfulness practice or something like that, really can help you in these moments.

Lee Burgess: Yeah. I was actually just working on some mindfulness curriculum this morning, very timely, and one of the things that was interesting that we were talking about with the mindfulness expert with this curriculum was even just breathing, and saying to yourself, "I'm inhaling and I'm exhaling," like three times, which takes very little time, can just calm it down.

Alison Monahan: Right. You're basically trying to calm the sympathetic nervous system.

Lee Burgess: Right. You're just saying take a break, there's no lion, I need my brain back, please send my brain back.

Alison Monahan: You can also ... Sometimes professors, if they're super old school, they'll actually make people stand up in class, which is-

Lee Burgess: Oh yeah, I did not have any of these.

Alison Monahan: Like, that's really terrible. But if that happens you can actually pay attention to your physical posture, do your Wonder Woman pose, there's conflicting data now, but there is some data now that suggests that this alone can give you a confidence boost. But even if you're sitting, you can open your shoulders, you can make eye contact with your professor or the judge, you can stand up straight, because you really want to be engaging with the person who's asking these questions, not kind of hunched away looking scared. This is definitely, I think, a fake it 'til you make it sort of confidence thing, that if you look more engaged and more receptive and more confident, you're probably going to feel that way, and certainly your professor is going to respond to you that way.

Lee Burgess: Right.

Alison Monahan: Which is beneficial.

Lee Burgess: Yeah. And I think it's also important to somewhat think of this as maybe even a role that you're playing.

Alison Monahan: Exactly.

Lee Burgess: Versus making it very personal.



- Alison Monahan: Right.
- Lee Burgess: So for me that's always ... Any time anything is anxiety-inducing, if you make it less about you as a person and more about a role, then you don't have as much fear that you're going to mess up.
- Alison Monahan: Yeah, and one thing you can think about in this context, what I was thinking about earlier on this topic, is your role, almost, is to help out your classmates. So rather than thinking, "This professor is trying to trick me," or whatever, what can you do, and we can talk about this more later, but what can you kind of do in this context that would be helpful for your classmates? Whether that's really engaging with the questions, or giving your best shot to whatever.
- Alison Monahan: I think a lot of this comes down to really actually listening, which in a stressful situation can be very difficult. Because I know this from recently living in a Spanish-speaking country, I noticed pretty quickly that if something happened, either I was already stressed out or I was entering a stressful situation, and I had to talk in Spanish, my Spanish was terrible. Or if I thought it was going to go fine and it didn't go fine for some reason, or someone asked me something that I didn't understand, or they got annoyed or whatever, suddenly every word I knew in Spanish went out the window. And I noticed that people weren't often listening to me either, so they would kind of make this initial judgment really quickly, like okay, this is a person who doesn't speak Spanish. Then they wouldn't actually listen to what I was saying, even though I was actually speaking to them in basically appropriate Spanish, with like a reasonable enough accent that they really could've understood it. But their brain had shut down, because they were stressed out about, "Oh my gosh, a gringo walked in, how are we going to communicate?" And the answer is, we can communicate if we actually just listen to each other.
- Lee Burgess: Yeah. And maybe take some deep breaths and calm down.
- Alison Monahan: Yeah, exactly. Sometimes I would literally take a step back and be like, okay, in my head this conversation is not going well. Let me take a deep breath and figure out how to redirect so that we can start to actually communicate.
- Lee Burgess: And I think as you're learning, especially, legal terminology and things like that, when you talk about the law, it can almost feel like you're talking in a foreign language.
- ALISON MONAHAN: Oh right, totally.
- Lee Burgess: I was just doing some curriculum on wills and trusts.
- Alison Monahan: Ugh.



- Lee Burgess: I know.
- Alison Monahan: That would definitely be a foreign language to me.
- Lee Burgess: But you start ... I'm just listening to myself talk about things, like codicils, and decedents, and the testator, and this and that.
- Alison Monahan: You're like, "Fantasticals?"
- Lee Burgess: Exactly. But I'm listening to myself talk, saying, wow, this would sound like a foreign language to me, in a lot of ways, if I didn't know what all these words meant. And I think in the beginning of law school it can kind of feel that way, because you're fumbling through this language that you're not really familiar with, and if you don't kind of pause and take a breath, you won't be able to call on the vocabulary that you're starting to fold into your own.
- Alison Monahan: Yeah, and sometimes you've got to understand, some professors are jerks, but a lot of them are actually not trying to be difficult. Often times they're starting off with a softball question.
- Lee Burgess: What are the facts?
- Alison Monahan: Right, what are the facts of this case? A) that's something you really ought to be prepared to answer.
- Lee Burgess: Right, and if you briefed it, it should be written down-
- Alison Monahan: Yeah, if you've briefed it, you've book briefed it, you can have your little picture to remind you, these are not intended to be trick questions. Also, they may ask you something more legal, but if you don't listen you don't understand that this is actually pretty basic. What's the procedural posture of this case, how did this case get here? They're not trying to trick you, they're just looking for you to give some answer and get a little bit more comfortable.
- Lee Burgess: What was the government's argument? What was the ...
- Alison Monahan: Yeah, what would a prosecutor argue here? They're not like, "Tell me your deep theory on some dissent." In this case it's like, these are the basic things, and I think you can be prepared for those things.
- Lee Burgess: Mm-hmm, and when you're prepared for class and you're trying to think, what should be in my brief, or what should I have taken away from this case, I think if you think through those possible questions, it's a really great way to evaluate whether or not your case brief or your notes are adequate.



- Lee Burgess: You should be able to answer those questions for yourself.
- Alison Monahan: Right, if you've read the case and you're in class, you ought to be able to answer, what are the facts of this case? How did this case get here? What did this side argue, what did that side argue? Those should be in your-
- Lee Burgess: Right. And what is the outcome? I think that's one that people forget a lot. Like, who won?
- Alison Monahan: Yeah, what happened?
- Lee Burgess: What happened? Like, who took the money, who gets the ducks or the cows or whatever? In the contracts it's always about cows and ducks and ...
- Alison Monahan: Yeah, can we split the cow?
- Lee Burgess: Yeah, exactly. So, I like that idea of just listening intently. And I think that one of the other things you have to do while you're listening is, take a beat and think before answering.
- Alison Monahan: Yeah, exactly. Just like you probably ought not jump into an exam answer without some type of prewritten outline, you shouldn't immediately jump into a stream of consciousness answer without thinking about it either.
- Lee Burgess: No. I think some of us, who are trained in the law, or are drawn to law school, we are big talkers often times. And you know, I was listening to myself have an argument with somebody. Fortunately, he doesn't listen to this podcast. But I was even finding myself having to be like, stop, take a breath, and think about what you say, because I also just like to talk. So, before I could even evaluate what I was going to say I just started talking.
- Alison Monahan: Right, and we literally at that point don't know what we're saying.
- Lee Burgess: No. We're just talking.
- Alison Monahan: It's like, what's my opinion on this? My opinion on this is ... And I'm making it up as I go along, literally.
- Lee Burgess: And I think on my feet pretty well, but that's really not how your most brilliant thoughts are going to escape your mouth. So, if you're going to want to make a thoughtful answer you have to give yourself time for some thought, and I think you might need to take a deep breath. No one's going to notice if you take that breath. You can stall, although sometimes stalling can be a little distracting. I did that in one of my worst call-on experiences in law school. I just started repeating the facts for some reason while I was stalling, and then the professor



literally said, "Thank you for that recitation of the facts, however that's not at all what I was asking." And I'm like, "Well, I just bought myself a few minutes."

Alison Monahan: Yeah, so I think stalling can be beneficial within reason. If you know that you're someone who gets anxious, you know that you are anxious, you're anticipating that first question, which is indeed, what are the facts of this case. A minor stall of, deep breath, you're thinking, you look at your brief, you look at your outline, your book brief, whatever, and meanwhile you're saying something along the lines of, "Okay, well the facts of the Smith case are ..."

Lee Burgess: Right. But you don't recite all those facts if that wasn't the question.

Alison Monahan: Yeah, if the question was like, what is the procedural posture, you don't do that, yeah, that's not appropriate.

Lee Burgess: No.

Alison Monahan: I think sometimes people, if you realize that you really didn't actually listen to the question, or your mind was blank, you can politely ask for it to be repeated. Not, again, repeatedly, but if you know you were taken off guard, you don't realize it's your own name, they've asked you something and you've finally realized it is you, totally fine to say, "Professor, sorry, I was getting my thoughts together. Could you repeat that?" Nobody's going to say no.

Lee Burgess: Right. Not even mean professors.

Alison Monahan: No, because you've already been called on. The point is they want you to say something at that point.

Lee Burgess: They do, because the whole point of the Socratic method is that you can have a dialogue.

Alison Monahan: Right. You've got to understand too, they're not necessarily feeling all that confident, although they seem confident. I have friends who are law professors, they admit sometimes they are not totally confident on what they're teaching that day. If it's material that's new or unfamiliar, if they're teaching it differently. They might have been up the night before trying to figure out what questions to ask.

Lee Burgess: Yeah. And if you are teaching in the Socratic method, you need the student to be somewhat successful to make it work.

Alison Monahan: Right.

Lee Burgess: A stumbling student who has no answers isn't going to move the class forward.



- Alison Monahan: Yeah, you're not helping anyone at that point.
- Lee Burgess: No. So, along with taking a second to think before answering, you also might need to ask clarifying questions. So, if you're not sure what the professor or the judge or your boss is asking, just clarify. So, for example, are you asking about the difference between general and specific jurisdiction? With the more information that you get to pull together about what they're asking, you get to give a better answer.
- Alison Monahan: Right, and that also helps your professor. I mean they are not necessarily asking exactly the most precise version of the question, and they may also at some point realize they're kind of flailing, and if you ask them, "It seems to me like what you're asking is the difference between general and specific jurisdiction. Is that right? Because I can help you with that." They're probably going to be like, "Yes, what is general jurisdiction," or whatever it is. If they're floundering around in case world.
- Alison Monahan: Even judges, I worked for a judge, he didn't always know what he was asking half the time. He was on the bench in his judge role pretending to be very authoritative, and meanwhile was passing us notes being like, "What is going on here? What should my next question be?" I've been in depositions where I was the second chair, and I'm literally passing questions to the person who's asking the questions, and she doesn't really know what she's asking. It happens.
- Lee Burgess: It happens. One technique of active listening, if you've ever done an active listening exercise, is repeating back what somebody has just said to you to make sure you understand it before you respond. So, you don't want to repeat a whole professor's lengthy question-
- Alison Monahan: Are you asking me what the facts are? Yes, I'm asking you for the facts.
- Lee Burgess: Right, yes. But if you were saying, you would like me to clarify, what's the difference between specific and general jurisdiction? Yes? Okay. Then you can kind of go ... If you can use that technique to make sure that you understand the question. If you don't, you can just respond back to clarify, and then if you have not been paying attention it will be very evident. But that is just one form of active listening.
- Alison Monahan: Right. I think sometimes too, you have to understand that there's a question chain, and that at some point in the chain you're going to probably get to a point where you can't answer the question, and that's just the way the law is. That's when we talk about the difference between good confusion and bad confusion. Bad confusion is, you don't know the procedural posture of the case, you don't know who won. Good confusion is, there's some exactly very knotty legal issue which has a lot of arguments on both sides, and it's sort of



unresolved, and your professor's asking you to take a hard stand one way or the other, and you basically get to a point where you're like, "I can make both of these arguments, but I can't tell you exactly which one's going to be the winning argument." That's what we do.

Lee Burgess: Right. It's the gray area.

Alison Monahan: All lawyers want to live in the gray area.

Lee Burgess: I think one thing that relates to all of this as well is that you also just have to be paying attention. I think in our very distracted world, it is so important to just do one thing at a time. So, if you're finding that you are anxious about being in class, and you are anxious about being called on, or you are in a meeting and you're nervous about needing to speak, you need to make sure that you're very present. So maybe, I know this is really hard to do, you might have to turn off your phone. I know, I know, I know, you might have to turn off your phone. You might even have to turn off your Wi-Fi. This is the second ... Right now, I have no Wi-Fi on my computer. It's so glorious. I also did something this morning where I turned off my phone and my Wi-Fi.

Alison Monahan: Wow.

Lee Burgess: It was amazing! I only did one thing at a time.

Alison Monahan: I think that's true in class. I think part of the stress sometimes of being called on is, when it's so unexpected and out of the blue, which if you're sitting there reading the New York Times and shopping on Amazon and taking notes and half-listening, and suddenly-

Lee Burgess: And chatting with a friend online.

Alison Monahan: Yeah, and chatting, and suddenly out of the blue you hear, "Ms. Burgess," and you're like, "I don't even know what topic we're discussing, I don't even know what case we're on."

Lee Burgess: Yeah, are we doing a case? What class am I in? Am I in criminal procedure? I have no idea.

Alison Monahan: Yeah, it's Wednesday at 10:30, okay, it must be crim pro, what was the reading? That's a lot more stressful than if you're kind of playing along with the game, and you've been following the class, and then they turn to you and they say, "All right, next case."

Lee Burgess: Right. And you're paying a lot of money for this class, you might as well just ... It's not that long, you don't spend that many hours a day in class, you might as



well get the most out of it. But it will lower your anxiety if you are more engaged in what's happening.

Alison Monahan: Yeah, and I think this is something, if this is a huge issue for someone, it might be worth actually talking with your professors about in office hours or something like that, just saying, "I just want you to be aware that sometimes I freeze if I'm called on." Because they might be willing to make some sort of accommodation for you. I mean they might not, but you may as well at least just discuss it. They might be willing to tell you, "Okay, I'm going to call on you this week or whatever, so at least you're more prepared." Or, "I understand that, so I'll give you a couple of seconds if you get called on to put yourself together," that kind of thing.

Lee Burgess: Yeah. I remember, I used to do a lot of performing, and when I was a senior in high school, I had performed this one song over and over again. I'd performed it at very many different events, and I was very good at it, I had it down, I could do it literally in my sleep. And so, I was invited to sing at some event, and I was monkeying around with my friends backstage, like not warming up, not paying attention, not doing anything. Then I walked out onstage, and for the very first time I literally had no idea what I was supposed to say. I bumped, I literally mumbled the first line until I could get my head back together. And it was a very telling moment, because I just assumed that I had performed the song so many times that I didn't get stage fright any more. I wasn't nervous, but I had gotten to the point where I just didn't even take it seriously. Then I made an ass of myself.

Alison Monahan: It happens.

Lee Burgess: It does happen, but it was a good life lesson. Because I had to remind myself that even if you're good at something, even if you are a little bit confident, you still need to pay attention and be present. So, think about what needs to come out of your mouth before you spit it out.

Alison Monahan: Yeah. Even, you might go into class, and for each class you go into, you might set an intention outside of the class, of, "I'm going to be present and focused in this class and do my best." Really that's all anyone can ask of you. If you've done the reading, you're solid on that ... We often say, what we're looking for here is a good faith effort. It doesn't have to be perfect, it just has to be clear that, okay, you've actually done the reading, you're trying to understand it, you're trying to help the professor out, you're doing what you can, and you're not totally blowing this off.

Lee Burgess: Right, and some classes are hard and complicated. Like I remember taking federal courts as a ...



Alison Monahan: Ugh.

Lee Burgess: I know, which makes everybody shudder.

Alison Monahan: I remember that too.

Lee Burgess: Yeah. But there's stuff in Fed courts that's really complicated, and very murky. I just remember being called on sometimes and being like, I don't know.

Alison Monahan: Yeah, and I think a lot of times that's actually a fair answer. Just like, "I don't actually know the answer. This is how I would think through this problem."

Lee Burgess: Yeah. Like these are my thoughts, but I don't know if this is right. This seems totally wackadoodle.

Alison Monahan: There are competing threads and competing narratives.

Lee Burgess: Right. Same thing, I took a first amendment class, and I remember at one point going to my professor and being like, "I'm trying to outline this material, and it doesn't seem like it is linear and relates to everything in a very linear organized way," and he's like, "Right."

Alison Monahan: Yes. Congratulations.

Lee Burgess: You now understand the First Amendment.

Alison Monahan: You've reached step one.

Lee Burgess: Exactly. You've reached step one in your understanding of the First Amendment.

Alison Monahan: Yeah, and sometimes I think people, for like the first year, think, "There's a correct answer, and they're looking for that answer, and if I get it wrong it means that I'm stupid, or I'm bad at law."

Lee Burgess: Right.

Alison Monahan: Part of this too is really just part of the process. I mean it's a rite of passage to have your bad on-call experience. We both had it. It's a story you'll tell years later. "I remember that day in Civ Pro."

Lee Burgess: My professor does not remember.

Alison Monahan: No.

Lee Burgess: No one else remembers.



- Alison Monahan: Yeah, we were both TA's in the class. We had the worst experience. I literally don't remember any other time I was on call in law school other than this one Civ Pro. And there I'd actually raised my hand, which made it double humiliating.
- Lee Burgess: Because you volunteered for the experience.
- Alison Monahan: I volunteered for this, and then my professor, one of those moments where he's just looking at me, and is literally like, "Yeah, I don't ... Could somebody else help out with this question?"
- Lee Burgess: Yeah. It's an ongoing struggle, but this idea of needing to be able to pull your thoughts together when you are under a little bit of stress, or when you're called on, this is what you have to do to practice law. So, you want to think of this as a skill that you're cultivating in the same way that an actor or singer or musician practices performing. We're going to talk more about practice in a minute, but to kind of just decide that this is part of your job.
- Alison Monahan: Right, and I think you need strategies too, for, how do you organize your thoughts. For example, if you're going to give a detailed response, you probably want to give some structure to that in the beginning, so being interrupted is annoying, and also stress-inducing. Happens a lot more in court, probably, than in class.
- Lee Burgess: True.
- Alison Monahan: If you're in front of an appellate court they're going to interrupt you, but lawyers prepare for that.
- Lee Burgess: Right.
- Alison Monahan: They don't prepare to give a linear argument. I know people who, if they're preparing to argue in front of an appellate court, they would have all of their arguments, say, for example, on flash cards in front of them.
- Lee Burgess: Yeah.
- Alison Monahan: Because of course they had two minutes prepared that they were happy to give if they could, but generally speaking they'd get about 10 seconds into it and people would start asking questions. That's just the way it works. So, they had to be prepared for that. Or they would have the flash card and they would say, "Okay, you want to talk about that topic, I can talk about it. You want to talk about this, I can talk about it." But also, just structuring your thoughts. Say you want to make several points, just say that upfront. "I think there are two different ways to answer this question. Number one, give your answer. Number



two." It makes you look thoughtful, it makes you look organized, and it kind of tells people where you're going.

Lee Burgess: Yeah. And it's also a minor stalling technique.

Alison Monahan: Right, exactly.

Lee Burgess: If you're trying to gather your thoughts, and you come up with the fact that you have three points, just even saying, "I think there are three different ways that we can approach this, number one ..." Then that gives you a few more minutes to gather your thoughts."

Alison Monahan: And people use that all the time in court. "Your honor, I think there are three critical points we need to consider here."

Lee Burgess: Right.

Alison Monahan: They might not let you get through all three, but at least you've framed it, you've kind of gotten something out, and they at least know that there are things that you want to follow up on.

Lee Burgess: Also, I think another thing you can do is, if you have scratch paper on your table, sometimes jotting down a word or two that has come to mind can help you gather your thoughts.

Alison Monahan: Right, or even just putting them on your finger, and having your fingers, one-two-three ... There are a lot of different things. I think ... Let's talk about the practice, because I think that is ... There are lots of ways that you can kind of practice this skillset, which, it is a skillset, and you can get better at it. I mean one that a lot of people don't want to hear, but is probably actually the most efficient way to get more comfortable with this, is actually to start volunteering to participate in class, even if you're not 100% sure of the answer.

Lee Burgess: It's true.

Alison Monahan: Because the more you do it, you're desensitized, and hopefully by your third year you're like, "I can't believe how upset I used to get about this.

Lee Burgess: Right. It's true, and you've got to get used to hearing your own voice and not getting weirded out by it.

Alison Monahan: Which no one likes.

Lee Burgess: No one likes.



- Alison Monahan: Most people.
- Lee Burgess: Yeah. Well there are plenty of people who like their own voice, but many people are self-conscious about it. I think using study groups or safe places, where there maybe isn't a professor or the stakes aren't as high, to start practicing talking about this stuff, is also a really great place to do these exercises. Because if you can discuss the law in a thoughtful way with your peer group, you can probably pull it together in class as well.
- Alison Monahan: Right, and you can even practice putting each other on the spot. One person is the professor, and they turn to someone in the group and say, "Bob, tell us the facts of this case." Then Bob does it and you all kind of critique, like this was good, this wasn't so good, you could've done this, you could've done that. But the more you do it, obviously, the easier it's going to get.
- Lee Burgess: I think there still is this idea amongst a lot of folks that it's just easy for some people to do this stuff. And I guess there are some people who can just talk off the cuff and there's no problem.
- Alison Monahan: There are people who really just talk a lot.
- Lee Burgess: Right, but-
- Alison Monahan: Those people don't necessarily always have the best stuff to say.
- Lee Burgess: That's true.
- Alison Monahan: Yeah, quickly in a law school class is like, "Wow, that person talks a lot and says very little."
- Lee Burgess: Very little, yeah. But this is a learned skill, and depending on what type of law you want to practice, or what type of role you want to have, you do need to get comfortable gathering your thoughts and presenting them in a professional way. Even, let's say you decide not to practice law at all, but you're going to be the executive director of a nonprofit. You still have to-
- Alison Monahan: Right. Are you going to be in a meeting ever in your life? Probably.
- Lee Burgess: Are you going to stand in front of a benefit and give a talk, and talk about your accomplishments, or what the organization has been doing? There are going to be lots of different ways that you have to be in this role, and you have to practice and evaluate it.
- Lee Burgess: Let's use us as an example. We've been ... How long have we been ... The Law School Toolbox is like seven years old?



Alison Monahan: Something like that.

Lee Burgess: Something like that. Anyway, we're well into our elementary school years at this point.

Alison Monahan: True.

Lee Burgess: But if you go back to our earliest content, much of which is thankfully not discoverable on the internet, it is a little rough.

Alison Monahan: Well even the early podcasts, I feel we've improved.

Lee Burgess: We have improved, yeah, because I listened to myself and critiqued myself a little bit.

Alison Monahan: I used to listen to them back in the day and was like wow, this is really painful. I noticed things that I did that I didn't know I did.

Lee Burgess: Yeah, of course. That's why I always say, if you want to do better interviews, have somebody video tape you, because it's painful to watch.

Alison Monahan: Yeah!

Lee Burgess: So, there's this idea that you should just automatically be good at it, but any type of skill, you've got to practice it and evaluate it. And so, another way to think about this, I think if you're really struggling with thinking on your feet, is to get out of the law school arena and start practicing in other ways. Some people like Toastmasters. I have a lot of friends who do improv comedy.

Alison Monahan: Ugh.

Lee Burgess: I know, it makes you shudder.

Alison Monahan: It's my worst nightmare.

Lee Burgess: I know. You should not go to improv comedy.

Alison Monahan: I used to date someone who was really into that. It's very good for thinking on your feet.

Lee Burgess: It is, but if you are really struggling with just being comfortable thinking on your feet, I think doing a class like that, over the summer or whatever, you don't have to do any of the performances, and who cares if these random people think that you're goofy, it's a safe place.



- Alison Monahan: It's pretty goofy overall.
- Lee Burgess: It's kind of goofy.
- Alison Monahan: You can also use humor.
- Lee Burgess: That's true.
- Alison Monahan: If you're really flailing in these situations, say that you just absolutely bombed something your professor asked you. You could burst into tears, which is probably not effective.
- Lee Burgess: I would say that tears are generally not effective.
- Alison Monahan: No, generally not effective, or you could basically shrug your shoulders and kind of smile and be like, 'well, I guess I got that totally wrong.'
- Lee Burgess: Yeah.
- Alison Monahan: Then they'll probably give you the right answer and you'll move on. I mean it's hard to do when you're stressed out, but humor is always helpful in these situations.
- Lee Burgess: That's true. I also think that ... Okay, if improv comedy's not your jam, I think that any sort of type of performing or practicing or skill where you are putting yourself in a role and putting yourself in front of people is helpful. So, I used to do a lot of theater, and a lot of singing and performing, and I think that just getting out and doing more of that, even if you're not really great ... There are groups that, you don't have to be very good at that. It can be very helpful, and that can teach you that idea of it being less personal to you.
- Alison Monahan: Right.
- Lee Burgess: That is a great skill. I think one of the things that lawyers do when they go out into the real world is, we do dress up for these roles. That's why you put on your suit-
- Alison Monahan: Have your lawyer shoes.
- Lee Burgess: Have your lawyer shoes, and you do your hair, and you've got your briefcase or whatever, and you go to court and it's all very formal. Even the judge is dressed up, everybody's dressed up.
- Alison Monahan: Yeah, they're literally wearing a robe.



- Lee Burgess: They're wearing a robe.
- Alison Monahan: If you're in England, they're wearing like white hair.
- Lee Burgess: Right, exactly. So, because the deal is, this is about a persona and a role, and so you want to start practicing what it feels like to be in that role, and law school is a great place to do that. When you do your first moot court argument, I think that's your first experience typically of putting on the suits. Getting into that role. And finding that confidence. I think if you can start to separate those two things, your own personal feelings of insecurity and then who you are in this role, I think that's going to really pay off for you in the long run. Also, then if you screw up it's just not as personal. It's like the lawyer in me screwed up, not the person.
- Alison Monahan: Yeah, exactly. Law school is basically a lot about faking confidence.
- Lee Burgess: Yeah.
- Alison Monahan: And lawyers fake it all the time.
- Lee Burgess: All the time.
- Alison Monahan: Once you get to know ... Once you start working and you get to know ... Before you think, "The managing partner of this firm ..." And professors too. I remember a professor who was very well known, made tons of money as a consultant, whatever, top of his field, send me his draft for comments, because I was his RA, and he basically sent this cover email being like, "I know this is probably terrible, but please be gentle with my feelings, and I know it's awful." And I've read it of course, I'm like, it's brilliant. So, we all think that this is all about us, and it's really actually just sort of about the work, and about faking this confidence.
- Lee Burgess: I remember going to meet with a professor once, and she was like, "Do you know why no one wants to come to my office hours?" And I was like, "Uhm, I don't, I'm not sure ..."
- Alison Monahan: You're like, "And I'm here at your office hours."
- Lee Burgess: I don't know, I think I was her TA. But I was like, "I'm not sure." I think she was really concerned that it was something about her that nobody wanted to come hang out with her.
- Alison Monahan: No, professors are totally neurotic, so they're probably feeling bad about themselves for asking bad questions if you're not able to follow them in class.



- Lee Burgess: Right, or that nobody wants to go.
- Alison Monahan: Yeah. Then when you think too, you can also consider broader approaches to anxiety if this is really a debilitating issue for you. I mean typically I'm guessing there's probably some test anxiety going on if that's the case. So as with someone who, we talked about pressure, said to me once, he's like, "Test anxiety is basically just anxiety. You've got to treat the anxiety, and then the test anxiety will probably pretty much take care of itself." So things like therapy, medication, yoga, meditation, all these things. Like you want to at least look into some resources just about anxiety.
- Lee Burgess: Yeah. I think practicing and getting more comfortable in these roles, and thinking down the road, what sort of legal job do you want, what sort of roles are you going to need to play, and then look for those opportunities in law school to better those skills. Because you'd much rather feel like a joke in law school...
- Alison Monahan: Yeah, I always say it's far better to make the mistake in class than on the exam.
- Lee Burgess: Oh yeah.
- Alison Monahan: Because once you've screwed something up once, you're probably not going to screw it up again.
- Lee Burgess: Yeah.
- Alison Monahan: So we may as well make those mistakes beforehand.
- Lee Burgess: Yeah.
- Alison Monahan: All right, well with that unfortunately we are out of time. If you enjoyed this episode of the Law School Toolbox podcast, please take a second to leave a review and rating on your favorite listening app because we would really appreciate it, and make sure to subscribe, so you don't miss anything. If you have any questions or comments, please don't hesitate to reach out to Lee or Alison at Lee@lawschooltoolbox.com or alison@lawschooltoolbox.com, or you can always contact us via our website contact form at [lawschooltoolbox.com](https://www.lawschooltoolbox.com). Thanks for listening and we'll talk soon.



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